



Journal of the Senate

Number 24

Thursday, June 2, 1988

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	

Excused: Senator Peterson at 4 p.m.; periodically, conferees on HB 1700 and CS for CS for SB 1192

PRAYER

The following prayer was offered by Dr. Jack A. Snell, Pastor, Hendricks Avenue Baptist Church, Jacksonville:

Eternal God, Father of us all, Heaven and Earth declare thy glory. We pause this afternoon to join in that glad declaration. We are grateful for the joys of freedom in a land where options are so varied. Bless our nation, so unique in her precious liberties, as she struggles to grant to all the privileges some enjoy more than others. Guide our elected officials that justice might combine with equality for the common good. Give to humble citizen and elected leader alike, the insight to see our national sins and the resolve to turn from them. May liberty be more than a concept and peace more than a dream because the kingdom of God reigns in our hearts and thy justice is become the will of our lives.

Father, mightily we pray for wisdom, courage, and strength to serve thee and this nation faithfully in the days that lie ahead. Remind us of our duty to promote the general welfare, to secure the blessings of liberty for all, to see to it that justice and compassion reign from sea to shining sea, and that the bountiful resources of a favored land are not only thankfully received but also gladly shared with the whole human family.

We pray this afternoon especially for these Senators as they rush pell mell to complete their enormous tasks as this session winds down to its close. They are facing problems far greater than any wisdom of humankind can solve, so grant them thy wisdom and thy power. In their helplessness may they turn to thee. Give them the honesty, the courage, and the moral integrity to confess that in some of the issues facing our state, they don't know what to do. Only then can they lead us as a state beyond human wisdom to thee, who alone hast the answer.

What we really pray for, our Father, is that thou wouldst remove from us the sophistication of our age and the skepticism that blights our faith. Bring us back to that simple faith, that trust in thee, that made strong and great the homes and the heritage of this great and good land. We know that we can't do everything today, but help us to do something that will make a difference. For thy name's sake. Amen.

Consideration of Resolutions

On motion by Senator Peterson, by two-thirds vote SR 1418 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

SR 1418—A resolution commending the late Dick Pope, Sr., and Julie Downing Pope.

WHEREAS, the State of Florida takes great pride in recognizing and honoring Floridians who, through their public-spirited service and achievements, have made significant contributions to the progress of our state and its citizens, and

WHEREAS, the late Dick Pope, Sr., community leader and businessperson, had long been known as "Mr. Florida" and as a major figure in the success of Florida's tourism industry, and

WHEREAS, the late Julie Downing Pope, community leader and businessperson, had long been recognized as Dick Pope, Sr.'s, tireless and tenacious partner in life and business, and

WHEREAS, in the middle of the Great Depression, Dick Pope, Sr., and Julie Downing Pope took a small piece of swampland in Polk county and created Cypress Gardens, Central Florida's flagship tourist attraction, and

WHEREAS, Dick Pope, Sr., spent his lifetime promoting not only Cypress Gardens, but also the entire State of Florida as a vacation paradise, and

WHEREAS, Dick Pope, Sr., earned his reputation as "The Father of Florida Tourism" by promoting Cypress Gardens and Florida orange juice all at the same time, and

WHEREAS, Florida today ranks as America's number one tourism destination and vacation choice, and

WHEREAS, tourism is by far Florida's largest industry with over 34 million visitors each year, contributing to our state's economy in excess of \$20 billion annually, and

WHEREAS, Dick Pope, Sr., and Julie Downing Pope, were instrumental in creating this major industry in Florida, and

WHEREAS, Dick Pope, Sr., was recognized by Florida Governors Daniel McCarthy, Charley Johns, Haydon Burns, Claude Kirk, Jr., and Bob Martinez, for promoting tourism in Florida, and

WHEREAS, Dick Pope, Sr., and Julie Downing Pope, gave freely of themselves and their business to help young people better their lives, and

WHEREAS, the people of the Great State of Florida are most appreciative of Dick Pope, Sr., and Julie Downing Pope, for their lifetime of work promoting Florida, and

WHEREAS, both the State of Florida and the tourism industry have lost great friends and leaders due to the untimely deaths of Dick Pope, Sr., and Julie Downing Pope, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate and the State of Florida hereby recognize and commend the late Dick Pope, Sr., and Julie Downing Pope, outstanding Floridians, for the major personal and professional contributions they made to this state as leaders in the tourism industry in Florida.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

Senator Peterson introduced to the Senate Dick Pope, Jr., son, Margaret Parry, niece, and her daughter Carolyn Parry. At the request of the President, Senators Peterson and Crawford escorted the guests to the rostrum where Mr. Pope was presented a copy of the resolution.

On motion by Senator Frank, by two-thirds vote SR 1430 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Frank—

SR 1430—A resolution commending James Clark, Jr., for his accomplishments in being named a member in the National Safety Council's Three Million Mile Safe Driver's Club.

WHEREAS, James Clark, Jr., is a tractor-trailer driver in Florida Steel Corporation's Transportation Division in Tampa and is an extremely careful and safe driver, and has been so cited by the Department of Highway Safety and Motor Vehicles, and

WHEREAS, James Clark, Jr., has been the recipient of the Tampa Area Safety Council's Safety Achievement Award, has received the One and Two Million Mile Safe Driving Awards from the National Safety Council, and was selected by the Florida Trucking Association as the Florida Driver of the Year, and

WHEREAS, the Florida Steel Corporation has received numerous letters from customers and drivers for the safe, courteous, and professional manner in which he carries out his daily responsibilities as a Florida Steel truck driver, and

WHEREAS, few people ever drive three million miles and fewer still achieve a three million mile accident-free record, and

WHEREAS, it is fitting and appropriate that the Senate commend James Clark, Jr., for his accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate hereby commends James Clark, Jr., for being named a member of the National Safety Council's Three Million Mile Safe Driver's Club.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to James Clark, Jr., as a tangible token of the sentiments expressed herein.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

Senator Frank introduced to the Senate Mr. and Mrs. James Clark, Jr. At the request of the President, Senator Frank escorted Mr. and Mrs. Clark to the rostrum where they were presented a copy of the resolution.

On motion by Senator Myers, by two-thirds vote SCR 928 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Myers—

SCR 928—A concurrent resolution designating "Mental Illness Awareness Week."

WHEREAS, mental illness is a problem of grave concern and consequence to the people of Florida, though one widely and unnecessarily feared and misunderstood, and

WHEREAS, two million Floridians annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living, and

WHEREAS, more than half a million Floridians are disabled for long periods of time by schizophrenia, manic depressive disorder, panic anxiety, and major depression, and

WHEREAS, in any 6-month period, alcohol, drug, and mental disorders affect nearly 19 percent of adult Floridians, including, young and old, rich and poor, and urban and rural alike, and

WHEREAS, between 30 and 50 percent of homeless people suffer serious and chronic forms of mental illness, and

WHEREAS, it is estimated that 10 percent of patients suffering from acquired immune deficiency syndrome, known as AIDS, will develop dementia or other psychiatric problems as the first sign of the disease and that as many as 67 percent of the patients will show neuropsychiatric symptoms before they die, and

WHEREAS, mental illness in at least half a million children interferes with vital development and maturational processes, and

WHEREAS, our growing population of the elderly and new arrivals are particularly vulnerable to mental illness, and

WHEREAS, mental disorders such as depression are a major cause of suicide, particularly in the young, accounting for at least 1,500 deaths annually in Florida, although the real number may be three times higher, and

WHEREAS, mental illness is increasingly becoming a treatable disability with excellent prospects for amelioration and recovery when properly recognized, and

WHEREAS, fear and superstition over the centuries has heretofore unfairly burdened all involved with stigma and discrimination, thereby adding immeasurably to their suffering, presenting barriers to early and effective treatment, and delaying needed research and support, and

WHEREAS, mentally ill persons and their families have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support a greater nationwide investment in research, and to advocate the additional resources needed to provide an adequate continuum of care, and

WHEREAS, in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior, and

WHEREAS, research in recent decades has led to a wide array of new and more effective modalities of treatment for some of the most incapacitating forms of mental illness, including schizophrenia, major effective disorders, phobias, and panic disorders, and

WHEREAS, mental disorders result in staggering economic costs to society, which are estimated to be in excess of \$249 billion, and include direct treatment and support and indirect costs, such as lost productivity.

WHEREAS, appropriate treatment of mental illness has been demonstrated to restore productivity, reduce the use of other health services, and lessen social dependence, and

WHEREAS, recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances, for the fruitful application of this new knowledge to specific clinical problems and for increased public enlightenment and support, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the Legislature of the State of Florida hereby designates the week beginning October 2, 1988, as "Mental Illness Awareness Week" in order to help make Florida a State of M.I.N.D. (Mental Illness Non-Discrimination); commends the efforts of support groups, such as the Alliance for the Mentally Ill, the Depressive and Manic Depressive Association, the Mental Health Association, and M.I.N.D. (Mental Illness Non-Discrimination) to promote the week to improve the public's knowledge and understanding of these disorders; and authorizes and requests the Governor to issue a proclamation calling upon the people in the State of Florida to join in observing such week with appropriate ceremonies and activities.

—was taken up out of order by unanimous consent, read the second time in full, unanimously adopted and certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 2, 1988: CS for SB 534, CS for CS for SB 19, SB 999, CS for SB 642, CS for SB 757, CS for SB 742, CS for SB 703, CS for SB 99, CS for SB 376, CS for SB 377, CS for CS for SB 487, CS for CS for HB 1034, CS for SB 906, CS for CS for SB 916, SB 71, SB 276, SB 184, SB 861, CS for CS for SB 1359, SB 706, CS for CS for SB 127, CS for SB 157, CS for SB 285, CS for SB 478, CS for SB's 381 and 532, SB 1239, CS for SB 46, CS for SB 547, CS for CS for SB's 1107, 776, 798 and 1180, CS for SB 1324, SB 866, CS for CS for SB 980, SB 986, HB 1473, CS for CS for SB 998, HB 1444, CS for SB 770, CS for SB 1215, CS for SB 431, HB 1432, CS for CS for SB 526, CS for CS for SB 527, CS for SB 628, CS for SB 685, CS for SB 749, SB 753, CS for SB 767, SB 768, CS for SB 786, CS for SB 844, CS for SB 335, SB 978, SB 1039, CS for CS for SB's 1149 and 156, HB 56

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following Consent Bill Calendar for Thursday, June 2, 1988: HB 642, CS for CS for CS for SB 1164, CS for CS for SB 538, CS for SB 5, CS for SB 1007, CS for SB 1218, HB 1302, CS for CS for CS for SB 634, CS for SB 846, CS for CS for SB 1359, SB 944, SB 608, CS for SB 99, CS for SB 1376, CS for HB 925, SB 923, CS for SB 834, CS for SB 547, CS for HB 74, SB 184, SB 861, CS for SB 581, CS for CS for SB 295, CS for SB 1076, SB 382, SB 323, CS for CS for SB 837, CS for SB's 174 and 51, SB 919, SB 1042, SB 333, CS for SB 468, SB 801, SB 537, SB 322, SB 404, SB 1274

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following Local Bill Calendar for Thursday, June 2, 1988: HB 135, HB 713, HB 918, HB 964, HB 1044, HB 1046, HB 1169, HB 1204, HB 1205, HB 1214, HB 1244, HB 1252, HB 1379, SB 1431, HB 523, HB 647, HB 714, HB 973, HB 1239, HB 1450, HB 1464, HB 1514, HB 1595, HB 1621, HB 1635

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Appropriations recommends the following pass: HB 1711, CS for SB 914, SB 975, CS for SB 1100 with 2 amendments, CS for SB's 1158 and 1006

The bills were placed on the calendar.

The Committee on Appropriations recommends committee substitutes for the following: SB 150, SB 1429

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Peterson, Hollingsworth, Kirkpatrick, D. Childers, Vogt, Jenne, Barron, W. D. Childers, Beard, Stuart, Langley, Thomas, Thurman, Dudley, Weinstock, Woodson, McPherson, Malchon, Lehtinen, Crawford, Hair, Gordon and Meek—

SR 1428—A resolution recognizing E. Amos Sumner, Staff Director of the Committee on Agriculture, upon his forthcoming retirement.

—was referred to the Committee on Rules and Calendar.

SB 1429 was introduced out of order June 1.

By Senator Frank—

SR 1430—A resolution commending James Clark, Jr., for his accomplishments in being named a member in the National Safety Council's Three Million Mile Safe Driver's Club.

—was referred to the Committee on Rules and Calendar.

By Senators Jenne, Weinstein and McPherson—

SB 1431—A bill to be entitled An act relating to Old Plantation Water Control District, Broward County; providing for a quorum at any annual or special landowners' meeting of Old Plantation Water Control District to be determined by the number of landowners present or represented by proxy in attendance at said meeting or meetings; providing that all actions taken at any such annual or special meeting of the landowners shall require the affirmative vote of the landowners of a majority of the acreage present or represented by proxy at said meeting; providing for compensation for the members of the board of supervisors; providing that this act take precedence over any conflicting law to the extent of the conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senators Brown and Beard—

CS for SB 1429—A bill to be entitled An act relating to transportation right-of-way acquisition and bridge construction; creating s. 215.225, F.S.; providing that the 6-percent service charge deducted from certain trust funds be deposited into the State Infrastructure Fund; limiting such deposits; amending s. 212.235, F.S.; providing for transfer of State Infrastructure Fund moneys; creating s. 215.605, F.S.; authorizing the issuance of state bonds for acquiring real property for state transportation purposes or for constructing bridges; establishing the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 215.82, F.S.; providing for procedures to validate such bonds; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, by two-thirds vote House Bills 1445 and 610 and CS for CS for SB 633 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Barron, by two-thirds vote CS for SB 1102 and HB 1571 were also referred to the Committee on Rules and Calendar.

On motions by Senator Deratany, by two-thirds vote Senate Bills 1060 and 1032 and CS for SB 1348 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator D. Childers, by two-thirds vote HB 135 was withdrawn from the Committee on Education.

On motions by Senator Scott, by two-thirds vote Senate Bills 545 and 689, CS for SB 983 and CS for SB 1124 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB's 14 and 53, which became law without his signature on June 1, 1988.

Vetoed Bill

Honorable Jim Smith
Secretary of State

June 1, 1988

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 867, enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1988, and entitled:

An act relating to Brevard County; defining the term "public health services"; authorizing the Board of County Commissioners of Brevard County to provide public health services, including septic tank regulations, enforce state and local laws relating to such services, and finance such services; prohibiting the duplication of county public health services by the state; providing for a liberal and controlling construction; repealing chapter 67-1143, Laws of Florida, which provides for septic tank regulation; providing an effective date.

Senate Bill 867 authorizes the Brevard County Commission to establish its own program to provide public health services. Public health services would include communicable disease surveillance and control programs, septic tank regulation, venereal disease control and other health related functions. In this capacity, Senate Bill 867 would allow Brevard County to enforce state and local laws and collect fees sufficient to pay for these services.

My concern is that Senate Bill 867 would affect the State of Florida's current status regarding continued federal funding. Under existing federal legislation, the State of Florida receives grants in the areas of immunization, sexually transmittable disease, and tuberculosis control. Florida must provide the federal authorities assurances that there is a statewide disease control program. If Senate Bill 867 becomes law, Brevard County will not be under the statewide umbrella, and the necessary assurances could not be made to federal authorities.

A second equally important policy issue is presented by Senate Bill 867. Control of the spread of disease cannot be accomplished on a county-by-county basis, particularly in a state like Florida with its highly transient population and large numbers of new immigrants from foreign and domestic origins. Though counties should and do play a major role in the provision of public health services, it is not good public policy for this role to be carried out without overall state supervision.

For the above reasons, I am withholding my approval of Senate Bill 867, Regular Session of the Legislature, commencing on April 5, 1988, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules and Calendar.

EXECUTIVE BUSINESS

The Honorable John W. Vogt
President of the Senate

May 23, 1988

RE: Suspension of:

LAVELLE PITTS
Sheriff
Bay County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business regarding the Executive Order of Suspension, Number 87-171, whereby The Honorable Lavelle Pitts, Sheriff of Bay County, was suspended from office on October 23, 1987.

The Committee on Executive Business was notified that an Executive Order of Reinstatement, Number 88-110, dated May 18, 1988, to be effective May 19, 1988, was entered by his Excellency Bob Martinez, thereby revoking the Executive Order of Suspension and reinstating The Honorable Lavelle Pitts to the aforesaid county office effective May 19, 1988.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above referenced matter and that this suspension case be closed.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

On motion by Senator Grizzle, the foregoing report on the suspension of Lavelle Pitts, Sheriff of Bay County, Florida, was adopted and the Senate took no further action. The vote was:

Yeas—33

Mr. President	Girardeau	Johnson	Ros-Lehtinen
Beard	Gordon	Lehtinen	Scott
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hair	McPherson	Weinstock
Crawford	Hill	Meek	Woodson
Deratany	Hollingsworth	Myers	
Dudley	Jenne	Peterson	
Frank	Jennings	Plummer	

Nays—1

Langley

Vote after roll call:

Yea—Kiser

The Honorable John W. Vogt
May 25, 1988
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
Affordable Housing Study Commission	
Appointees: Bowne, Shirlee	06/30/88
Chira, Lee	06/30/88
Collins, Samuel D.	06/30/88
Diaz, Joseph F.	06/30/88
Johnson, Jeanne Carol	06/30/88
Johnson, Randall C.	06/30/88
Kleiman, Edward J.	06/30/88
Koelemij, John J.	06/30/88
Meneses, Edgardo O.	06/30/88
Norbom, B. E.	06/30/88
Whitmire, Jean L.	06/30/88

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the Senate take no action to confirm the appointments of the eleven members of the Affordable Housing Study Commission for the terms indicated as the committee finds that the duties of the commission have been completed as prescribed in s. 420.609, F.S.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1988 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

On motion by Senator Grizzle, the report was adopted and the Senate took no action and failed to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee.

The Honorable John W. Vogt

May 25, 1988
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
Affordable Housing Study Commission	
Appointee: Champion, Lorene Hamlet	06/30/88
Florida Board of Auctioneers	
Appointees: Linnan, James K.	09/30/90
London, I. Edward	09/30/90
Board of Chiropractic	
Appointee: Lambert, Quentin	08/01/91
State Board of Community Colleges	
Appointee: Norris, Nannette S.	09/30/87
Florida Elections Commission	
Appointee: Lazzara, Penny G.	12/10/87
Board of Medicine	
Appointee: Jordan, James A.	08/01/91
Board of Pharmacy	
Appointee: Weil, Gilbert "Gil"	08/01/91
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.	
Appointee: Harper, Jr., Robert M.	09/30/89
Board of Psychological Examiners	
Appointee: Meadows, Edi	09/30/91
North Central Florida Regional Planning Council, Region 3	
Appointee: Pooley, Carolyn T.	10/01/89
Governing Board of the Suwannee River Water Management District	
Appointee: Prevatt, Mary Ann	07/01/91

The Senate Committee on Executive Business has failed to consider these appointments because the committee finds that Lorene Hamlet Champion, James A. Jordan, Quentin Lambert, James K. Linnan, I. Edward London, Edi Meadows, Carolyn T. Pooley, Mary Ann Prevatt and Gilbert "Gil" Weil resigned. The terms of Penny G. Lazzara as a member of the Florida Elections Commission and Nannette S. Norris as a member of the State Board of Community Colleges have expired. Robert M. Harper, Jr., member of the Board of Directors of the Prison Rehabilitative Industries and Diversified Enterprises, Inc. is now deceased. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1988 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with S. 114.05(1)(e), Florida Statutes.

Respectfully submitted,

Mary R. Grizzle, Chairman
Fred R. Dudley, Vice Chairman
Curt Kiser

William G. Myers
Lawrence H. Plummer
Eleanor Weinstock

On motion by Senator Grizzle, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee.

The Honorable John W. Vogt

May 25, 1988
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment		For Term Ending
Board of Acupuncture Appointee: Regard, Pierre G.		09/30/91
State Athletic Commission Appointee: Wittcoff, Richard K.		09/30/91
Florida Board of Auctioneers Appointee: Smith, Evelyn H.		09/30/90
Greater Orlando Aviation Authority Appointees: Garcia, III, M. A. Heller, Harvey R. Holler, Jr., Roger W.		04/16/92 04/16/92 04/16/92
Florida Black Business Investment Board Appointee: Lawrence, Clarence W.		09/30/91
Board of Building Codes and Standards Appointees: Fenwick, William K. Locke, Charles E. Marshall, Mary A. Moses, Thomas M. Peter, Jr., William G. Sanders, Jack O.		01/31/91 05/01/91 01/09/89 01/15/91 02/03/91 08/11/91
Capitol Center Planning Commission Appointee: Revell, Walter L.		09/30/89
Board of Chiropractic Appointee: Russell, Douglas M.		08/01/91
Florida Citrus Commission Appointees: Becker, R. William Hilliard, Joe Marlin Raley, William L. Rice, Talmadge G.		05/31/91 05/31/91 05/31/91 05/31/91
Hillsborough County Civil Service Board Appointee: Leisey, Jr., C. E.		07/02/91
Clinical Laboratories Advisory Council Appointees: Pogue, Julie A. Weemes, Archie		11/30/91 11/30/91
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointees: Crum, James D. Mitchell, Anita Nestor, John Sabin, Paul E. Shyers, Larry E.		09/30/91 09/30/90 09/30/90 09/30/89 09/30/91
State Board of Community Colleges Appointees: Barnes-LeGrande, Sydel		09/30/92
Office and Appointment Tripp, Norman D.		09/30/91
Board of Trustees of Brevard Community College Appointee: Tsamoutales, Nicholas F.		05/31/91
Board of Trustees of Chipola Junior College Appointees: Rountree, Philip Westbrook, James W. Wilson, Price		05/31/91 05/31/91 05/31/91
Board of Trustees of Edison Community College Appointees: Edenfield, Paula M. Stephens, James Wilson, E. Frances		05/31/89 05/31/90 05/31/91
Board of Trustees of Lake City Community College Appointee: Stephenson, Norman H.		05/31/91
Board of Trustees of Miami-Dade Community College Appointee: Fine, Martin		05/31/91
Board of Trustees of Palm Beach Junior College Appointee: Reed, Jr., Donald H.		05/31/90
Board of Trustees of Pasco-Hernando Community College Appointees: Guerrero, Ma. Teresa Vinecour, Harold A.		05/31/91 05/31/91
Board of Trustees of Tallahassee Community College Appointee: Carter, Andrea Faza		05/31/89
Board of Trustees of Valencia Community College Appointees: Hood, III, Charles M. McCaskill, Susan T.		05/31/90 05/31/91
Construction Industry Licensing Board Appointees: Crawford, John D. Green, Jr., Edwin M. London, I. Edward Rogers, Jr., George A. Rutkoski, J. J. Spears, Raymond G. Tornese, Cos		02/18/92 02/18/91 02/18/92 02/18/92 02/18/92 02/18/92 02/18/92
Board of Cosmetology Appointees: Green, Anita B. Morse, H. E. Stone, Ann E.		01/01/92 01/01/92 01/01/92
Education Practices Commission Appointees: Gatlin, Jr., James S. Neiswender, Ann W. Stewart, John A. Wallace, Brenda		09/30/91 09/30/91 09/30/91 09/30/91
Education Standards Commission Appointees: McClure, Rufus R. Schorr, Jan M. Walls, Donald F. Wilson, Cressie S.		09/30/90 09/30/90 09/30/90 09/30/88
Electrical Contractors' Licensing Board Appointees: Neely, Robert E. Nordt, III, John C. Williams, James L. Williams, James P.		12/17/91 12/17/90 12/17/91 12/17/91
Board of Professional Engineers Appointees: Kennedy, Beverly B. Zimmerman, Dale Wm.		12/20/91 12/20/91
Tampa-Hillsborough County Expressway Authority Appointee: Levy, Sidney Wallace		07/01/91
Florida State Fair Authority, Congressional District 1 Appointee: Ray, Frank		06/30/89
Harbormaster for the Port of Key West Appointee: Sweeting, Ulric E.		02/08/90
Harbormaster for the Port of New Smyrna Beach		

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Sweett, Lawrence J.	02/19/89	Appointee: Mattimore, Michael	01/01/92
Hospital Cost Containment Board		Board of Public Schools	
Appointees: Otis, II, Kenneth C.	01/01/91	Appointees: Adamson, W. E.	10/01/91
Pajot, Richard J.	01/01/91	Blubaugh, Robert L.	10/01/90
Weiss, Jeffrey J.	01/01/91	Braswell, Jackie Boyd	10/01/90
Board of Trustees of South Lake County Hospital District		Lentz, III, Carl W.	10/01/91
Appointees: Gray, Cecil E.	07/05/91	Miller, Dorsey C.	10/01/91
McLean, Susan R.	07/05/91	Morgan, Joseph R.	10/01/90
Simmons, Richmond H.	07/05/91	Stockton, III, James R.	10/01/90
Florida Commission on Human Relations		Wheeler, Martha D.	10/01/91
Appointees: Mangione, Ralph P.	09/30/91	Wilcox, Rubie	10/01/89
Townsend, Ronald P.	09/30/91	West Florida Regional Planning Council, Region 1	
State Board of Independent Colleges and Universities		Appointees: Mitchell, Michael M.	Pleasure of Governor
Appointee: Patch, James M.	09/30/88	Wyrrough, William E.	Pleasure of Governor
Executive Director of Department of Law Enforcement		Northeast Florida Regional Planning Council, Region 4	
Appointee: Moore, James T.	Pleasure of Governor and Cabinet	Appointee: Browning, James E.	10/01/89
Marine Fisheries Commission		Withlacoochee Regional Planning Council, Region 5	
Appointees: Harris, James A.	08/01/91	Appointee: Shepard, Ralph E.	10/01/89
Safley, R. Z.	08/01/91	Central Florida Regional Planning Council, Region 7	
Board of Massage		Appointee: Lyons, Clayton T.	10/01/88
Appointees: Holt, Constance B.	01/01/92	Board of Trustees of the John and Mable Ringling Museum of Art	
Ulrich, Dan	01/01/92	Appointees: Savary, Mary T.	11/05/91
Board of Medicine		Stefany, John E.	11/05/91
Appointee: Wells, Marilyn S.	08/01/91	Florida High Technology Innovation Research and Development Board	
Board of Nursing Home Administrators		Appointee: Grimm, William A.	03/01/92
Appointee: Bevins, Marcia Corbin	12/13/91	Coastal Rivers Basin Board of the Southwest Florida Water Management District	
Board of Opticianry		Appointee: Stewart, Jr., N. John	06/30/89
Appointees: Wenal, Dale A.	12/26/91	Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Williams, Richard E.	12/26/91	Appointee: Rowe, Jack D.	06/30/90
Board of Osteopathic Medical Examiners		As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.	
Appointees: Barker, James H.	01/29/91	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:	
Cunningham, J. Courtney	01/29/90	(1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be <i>confirmed</i> by the Senate.	
Schwemmer, Sandra	01/29/92	(2) That Senate action on said appointments be taken prior to the adjournment of the 1988 Regular Session.	
Wheeler, Joe C.	01/29/92	(3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.	
Board of Podiatric Medicine		Respectfully submitted,	
Appointee: McCormack, Jr., William Joseph	01/08/92	Mary R. Grizzle, <i>Chairman</i>	William G. Myers
Tampa Port Authority		Fred R. Dudley, <i>Vice Chairman</i>	Lawrence H. Plummer
Appointee: Wilcox, Roy M.	11/15/91	Curt Kiser	Eleanor Weinstock
Postsecondary Education Planning Commission		On motion by Senator Grizzle, consideration of the appointment of I. Edward London to the Construction Industry Licensing Board, contained in the foregoing report, was deferred.	
Appointees: Kerrigan, Robert G.	02/04/90	On motion by Senator Grizzle, the foregoing report was adopted and the Senate confirmed the appointments identified in the report to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:	
Wilson, Carolyn M.	02/04/91		
Prepaid Postsecondary Education Expense Board			
Appointees: Anderson, Arthur W.	06/30/89		
Ferreira, Diana Y.	06/30/88		
Tate, Stanley G.	06/30/90		
Historic St. Augustine Preservation Board of Trustees			
Appointees: Ray, Jeanne B.	08/31/90		
Sliney, Thomas Edward	01/14/90		
Sundeman, John	08/24/91		
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.			
Appointees: Gong, Edmond J.	09/30/91		
Hines, Jr., Andrew H.	09/30/91		
Mixson, Wayne	09/30/88		
Staggers, Sterling G.	09/30/89		
Board of Psychological Examiners			
Appointee: Wharton, William H.	09/30/91		
Public Employees Relations Commission			
Appointee: Poole, Donna Maggart	01/01/89		
Chairman of Public Employees Relations Commission			

Yeas—34

Mr. President	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hill	McPherson	Weinstock
Deratany	Hollingsworth	Meek	Woodson
Dudley	Jenne	Myers	
Frank	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Kirkpatrick, Stuart

MESSAGES FROM THE HOUSE OF REPRESENTATIVES**First Reading***The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed House Bills 647, 714, 973, CS for HB 998, House Bills 1032, 1412, 1450, 1516, 1551, 1595, 1621; has passed as amended House Bills 409, 446, 449, 523, 916, 1162, 1201, CS for HB 1203, House Bills 1239, 1312, 1464, 1508, 1530, 1635, 1704 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Locke—

HB 647—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 17(j) of chapter 63-1222, Laws of Florida, as amended, by providing that either the county tax collector or water district board of commissioners may collect special assessment liens; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown (by request) and others—

HB 714—A bill to be entitled An act relating to tenure of employment of teachers in the public schools of Duval County; adding section 5.1 to chapter 21197, Laws of Florida, 1941, as amended; providing that teachers convicted of any felony, crime, or violation of ordinance involving moral turpitude shall immediately be suspended without pay pending resolution of discharge or demotion procedures; providing that a conviction is not stayed during an appeal; providing that upon reversal of a conviction the teacher shall be reinstated with back pay; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 973—A bill to be entitled An act relating to the Golden Gate Fire Control and Rescue District, Collier County; amending subsection (2) of section 1 of Article V of chapter 87-498, Laws of Florida; to increase the millage cap for the levy of taxes by the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Sansom—

CS for HB 998—A bill to be entitled An act relating to energy resources; amending s. 377.22, F.S.; authorizing the Department of Natural Resources to adopt rules to require a reasonable bond with respect to certain geophysical exploration; amending s. 377.2424, F.S.; authorizing forms of security, other than a bond, with respect to exploration for oil, gas, or minerals by means of geophysical activities; creating s. 377.2425, F.S.; providing the manner of providing security for geophysical exploration, drilling, and production; creating s. 377.2411, F.S.; providing for lawful right to drill, develop, or explore; amending s. 253.55, F.S.; defining the word "term"; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Hawkins—

HB 1032—A bill to be entitled An act relating to the Golden Gate Fire Control and Rescue District, Collier County; amending article V, section 1 of chapter 87-498, Laws of Florida, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Martin—

HB 1412—A bill to be entitled An act relating to Alachua County; providing for liens in favor of any nonprofit corporation operating a charitable hospital in said county upon causes of action, suits, claims, counterclaims, and demands, accruing to patients therein, or their legal representatives, and upon judgments, settlements, and settlement agreements, on account of illness or injuries of such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries; providing for method of perfecting and enforcing such liens, and recovery of costs, attorney's fees, and expenses, and where suits thereon may be maintained; requiring claims for lien to be recorded and providing for fees for recording; providing that no release or satisfaction shall be valid as against lien unless lienholder joins therein or executes release; providing that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement in absence of release or satisfaction of lien shall prima facie constitute impairment of such lien, and giving lienholder right of action at law for damages on account of such impairment; providing for recovery from one accepting release or satisfaction or making settlement; providing for no recovery of damages for hospital care, treatment, and maintenance, unless claimant therefor has paid costs thereof, except in certain cases; providing for intervention by lienholder and verdict and judgment in favor of lienholder in certain cases; exempting from provisions of this act matters within purview of the workers' compensation law of this state; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis—

HB 1450—A bill to be entitled An act relating to Palm Beach County; relating to the Palm Beach County Solid Waste Authority; amending section 3, chapter 75-473, Laws of Florida, as amended, providing for a change in name to "Solid Waste Authority of Palm Beach County"; amending section 6, chapter 75-473, Laws of Florida, as amended, amending the definition of "authority," "waste management," "disposal" and "transport" and providing for the definition of "act"; amending section 7 of chapter 75-473, Laws of Florida, as amended at subsection (2) to provide for the modification and updating of the resource recovery and waste management program or plan as necessary or as may be required by law, subsection (3) to provide that the authority may exercise the right of eminent domain in accordance with chapter 73, Florida Statutes, and chapter 74, Florida Statutes, and other applicable law, subsection (8) to provide that the authority acquire, construct, reconstruct, etc., such resource recovery and waste management facilities to meet the requirements of chapter 403, Florida Statutes, and other applicable law, subsection (9) to provide that the authority conduct studies and contract with governmental agencies, public or private corporations, municipalities or any other person in carrying out the purposes of the act and the requirements of chapter 403, Florida Statutes, and other applicable law, subsection (10) providing that the authority shall fix, alter, charge, and establish reasonable rates, fees, and other charges for collection, subsection (19) to provide that all collection fees pursuant to this paragraph for unincorporated Palm Beach County shall be set by the board of county commissioners; renumbering subsection (20) to subsection (24); adding new subsections (20), authorizing and empowering the authority to establish mandatory collection system for Palm Beach County and impose reasonable rates, fees, and charges to all users; providing that the authority may establish annual collection special assessments in like manner as the disposal assessments; (21) providing that the authority may grant franchises, contracts, issue permits or otherwise provide for the collection of solid waste and may receive the assignment of such franchises, contracts and permits and may establish reasonable rates, fees and charges therefore; (22) authorizing and empowering the authority to perform any and all governmental functions of the county or municipality therein related to solid waste; and (23) authorizing and empowering the authority to enter into inter-local agreements with Palm Beach County, municipali-

ties, and other agencies, concerning the provision of solid waste services of any kind; amending section 10 created by chapter 86-433, Laws of Florida, providing limitations on franchises; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health and Rehabilitative Services and Representative Tobin and others—

HB 1516—A bill to be entitled An act relating to foster care facilities and group home facilities; creating s. 393.075, F.S.; providing a definition; requiring the Division of Risk Management of the Department of Insurance to provide liability insurance to certain individuals who own or operate foster care facilities or group home facilities; providing for limits; providing applicability; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Commerce.

By Representative Saunders—

HB 1551—A bill to be entitled An act relating to Monroe County; amending subsection (1) of section 4 of chapter 76-441, Laws of Florida, as amended, to provide for election of the board of directors of the Florida Keys Aqueduct Authority; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 1595—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-481, Laws of Florida, as amended, relating to the Samoset Fire Control District; increasing the schedule of special assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B.L. Johnson—

HB 1621—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; amending section 129 of chapter 13105, Laws of Florida, 1927; amending an elections provision relating to the filing of nomination papers, to coordinate and make uniform the dates thereof with the qualifying period for county officers set forth in s. 99.061(2), F.S.; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gordon—

HB 409—A bill to be entitled An act relating to the statewide criminal analysis laboratory system; amending s. 943.31, F.S., modifying legislative intent; amending s. 943.32, F.S., including certain facilities in Ft. Myers within the system; amending s. 943.35, F.S., specifying level of state funding of local laboratory operating costs; deleting matching fund requirement; providing that crime scene technicians are no longer excluded from state funding; creating ss. 943.355 and 943.356, F.S., creating the Florida Crime Laboratory Council; providing duties thereof; amending s. 943.36, F.S., revising the fiscal and budgetary process for state funding; providing authority and responsibilities of the Department of Law Enforcement; providing for review and repeal; amending s. 316.193, F.S.; increasing the amount of surcharges on fines imposed for driving under the influence and providing for such increase to be deposited into the Administrative Trust Fund of the Department of Law Enforcement for funding of the statewide criminal analysis laboratory system; creating s. 943.361, F.S.; providing for disbursement and appropriation of funds assessed in conjunction with driving under the influence fines for purposes of the statewide criminal analysis laboratory system; providing penalties; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Shelley and others—

HB 446—A bill to be entitled An act relating to investments and transactions with Northern Ireland; creating s. 121.153, F.S.; providing monitoring requirements with respect to investments of the Florida Retirement System Trust Fund; providing duties of the Board of Admin-

istration; creating s. 655.421, F.S.; requiring financial institutions to file an annual statement with the Department of Banking and Finance; providing for review and repeal; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Young—

HB 449—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing for investment of school funds with minority institutions; amending s. 236.24, F.S.; revising provisions relating to the investment of district school funds; providing for the investment of surplus funds in specified investments by resolution of a school board; providing procedures; providing a definition; amending s. 236.24, F.S.; providing for the delivery and safekeeping of securities purchased by school boards; amending s. 236.49, F.S.; providing for the investment of local bond proceeds in certain securities for up to 3 years; amending 230.23, F.S.; providing guidelines for the school boards to invest a portion of investment funds with certain minority institutions; amending s. 159.416, F.S., relating to pool financing programs; providing for the investment of bond proceeds in school board investments; providing an effective date.

—was referred to the Committee on Education.

By Representative Crotty and others—

HB 523—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending s. 3, chapter 57-1658, Laws of Florida, as amended; removing a limitation on number of years which may be served by elected members; providing for service of an appointed member until a successor takes office; reducing quorum requirements; amending s. 10, chapter 57-1658, Laws of Florida, as amended; deleting provision concerning conflicts with other laws; providing for form, interest rates, and other features of bonds; deleting minimum price requirements on sale of bonds; deleting certain provisions concerning sufficiency of bond proceeds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

HB 916—A bill to be entitled An act relating to Seminole Water Control District, in Palm Beach County; amending section 4 of chapter 70-854, Laws of Florida; authorizing additional powers of the district for water supply, sewer and wastewater management, waste collection and disposal, street lights, control of arthropods, and for the supply and level of water; authorizing the board of supervisors of the district to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the district boundaries; providing for obligations of the district to pay interest at a rate not exceeding the maximum allowable by law; authorizing the issuance of revenue bonds and bond anticipation notes; providing for condemnation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bloom and others—

HB 1162—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.0305, F.S.; revising uses of the proceeds of the charter county convention development tax; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Representative Saunders—

HB 1201—A bill to be entitled An act relating to crawfish regulation; amending s. 370.14, F.S.; providing a moratorium on the issuance of new crawfish trap numbers for a certain time period; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Judiciary and Representative Crotty and others—

CS for HB 1203—A bill to be entitled An act relating to the Florida Real Estate Time-Sharing Act; amending s. 617.028, F.S.; including a time-share managing entity within a list of groups exempt from the definition of the term "director"; amending s. 721.13, F.S.; providing additional powers for the managing entity of a time-share plan; providing penalties; amending s. 721.15, F.S.; requiring notice to the managing entity of a time-share plan of a transfer of an interest in a time-share estate or time-share license; amending s. 721.16, F.S.; providing a time frame with respect to liens for overdue assessments and mechanics' liens; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Representative Mackenzie—

HB 1239—A bill to be entitled An act relating to Broward County; authorizing the appointment of special officers by the Broward County School Board for the protection and safety of school personnel, property, and students within the school district; authorizing such officers to make arrests anywhere in the school district for violations of law occurring on the property of the school board; providing for powers, duties, qualifications, bonding, and compensation of such special officers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Locke—

HB 1312—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 1 of chapter 59-1177, Laws of Florida, as amended, increasing the territorial limits of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ireland—

HB 1464—A bill to be entitled An act relating to Lee County; repealing sections of specified Laws of Florida which limit the ability of a municipality, city, village, town, or fire control or rescue service district to annex portions of the Iona-McGregor, Estero, Fort Myers Shores, Tice, San Carlos, South Trail, Alva, or Bayshore Fire Control and Rescue Service Districts; deleting territories from the boundaries of the Iona-McGregor Fire Protection and Rescue District, South Trail Fire Protection and Rescue District, and Tice Fire Protection and Rescue District; authorizing the local governing authority to enter into an agreement to purchase, lease, or maintain real property and equipment; providing for the redistricting of the board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Retirement, Personnel and Collective Bargaining and Representative Martinez—

HB 1508—A bill to be entitled An act relating to investment of state funds; repealing s. 215.46, F.S., relating to duties of the Attorney General with respect to collection of defaulted investments; amending s. 215.47, F.S.; providing revised rating criteria for certain government and corporate interest-bearing obligations; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Simone—

HB 1530—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-474, Laws of Florida, as amended; increasing the rates of special assessments that may be charged by the Whitfield Fire Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobiassen and others—

HB 1635—A bill to be entitled An act relating to Escambia County; amending section 4 of chapter 83-405, Laws of Florida; revising the manner in which the funding for the Civil Service Board is allocated and calculated; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady—

HB 1704—A bill to be entitled An act relating to Nassau County Hospital Board; amending section 9(3), chapter 21228, Laws of Florida, 1941, as amended; providing for a joint budget hearing; providing for amendment of the hospital board's budget request; providing for a levy sufficient to meet the hospital board's needs up to a maximum of 1.2 mills; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senator Hair presiding

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 495.

John B. Phelps, Clerk

On motion by Senator W. D. Childers, CS for HB 495 was returned to the House as requested.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 118 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 118—A bill to be entitled An act relating to state university divisions of sponsored research; amending s. 240.241, F.S.; specifying which records of such divisions are exempt from the public record requirements of ch. 119, F.S.; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

Amendment 1—On page 2, line 5, insert a new section:

Section . Paragraph (g) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(g) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. *The Capital Improvement Trust Fund fee and the building fee shall be established each year in the General Appropriations Act. The Capital Improvement Trust Fund fee is established as \$1.04 per credit hour per semester. The building fee is established as \$1.82 per credit hour per semester.*

(Renumber subsequent sections.)

Amendment 3—On page 1, in the title, lines 2-9, strike all of said lines and insert: A bill to be entitled An act relating to state university system; amending s. 240.241, F.S.; specifying which records of divisions of sponsored research are exempt from the public record requirements of ch. 119, F.S.; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; amending s. 240.209, F.S.; revising provisions relating to certain student fees; providing an effective date.

Senator Gordon moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 1, strike all of lines 18-24 and insert:

(g) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. *The Capital Improvement Trust Fund fee is established as \$2.44 \$1.04 per credit hour per semester. The building fee is established as \$2.32 \$1.82 per credit hour per semester.*

On motions by Senator D. Childers, the Senate concurred in House Amendment 1 as amended and House Amendment 3 and the House was requested to concur in the Senate amendment to the House amendment.

SB 118 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Beard	Gordon	Kiser	Peterson
Brown	Grant	Langley	Plummer
Childers, D.	Grizzle	Lehtinen	Ros-Lehtinen
Childers, W. D.	Hair	Malchon	Scott
Crenshaw	Hill	Margolis	Thomas
Deratany	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Johnson	Myers	Weinstock

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 149 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 149—A bill to be entitled An act relating to district school board direct-support organizations; amending s. 237.40, F.S.; continuing the exemption of specified records of such organizations from the public records requirements of ch. 119, F.S.; providing for future legislative review of these exemptions; providing an effective date.

Amendment 1—On page 1, line 13, strike everything after the enactment clause and insert:

Section 1. Paragraph (b) of subsection (2) and subsections (3) and (4) of section 237.40, Florida Statutes, are amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(2) **USE OF PROPERTY.**—A district school board:

(b) ~~Shall be authorized to~~ prescribe by rule conditions ~~any condition~~ with which a district school board direct-support organization must comply in order to use property, facilities, or personal services of the district. *Promulgation of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board and the department.*

(3) **BOARD OF DIRECTORS.**—The board of directors of the district school board direct-support organization shall be approved by the district school board.

(4) **ANNUAL AUDIT.**—The direct-support organization shall make provisions for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be promulgated by the State Board of Education. The annual audit report shall include a management letter and shall be filed as a public record in the district. The State Board of Education and the Auditor General have the authority to require and receive from the organization or the district auditor any detail or supplemental data relative to the operation of the organization. *Notwithstanding the provisions of s. 119.14, the identity of donors and all information identifying donors and prospective donors are exempt from the provisions of s. 119.07(1) chapter 119, and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 2. This act shall take effect October 1, 1988.

House Amendment 1 to House Amendment 1—On page 1, lines 13-17, strike all of said lines and insert:

Section 1. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) and subsection (3) and (4) of section 237.40, Florida Statutes, are amended to read:

237.40 Direct-support organization; use of property; board of directors; audit.—

(1) **DEFINITIONS.**—For the purposes of this section, the term:

(a) "District school board direct-support organization" means an organization which:

1. Is approved by the district school board;
2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and
3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public prekindergarten through 12th grade education and adult vocational and community education programs in this state.

House Amendment 3 to House Amendment 1—On page 1, line 13, insert:

Section 1. Subsection (6) of section 237.211, Florida Statutes, is amended to read:

237.211 School depositories; payments into and withdrawals from depositories.—

(6) **EXEMPTION FOR SELF-INSURANCE PROGRAMS.**—The school board is authorized to contract with an approved service organization to provide self-insurance services, including, but not limited to, the evaluation, settlement, and payment of self-insurance claims on behalf of the school board. Pursuant to such contract, the school board may advance money to the service organization to be deposited in a special checking account for paying claims against the school board under its self-insurance program. The special checking account shall be maintained in a designated district school depository. The school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chairman of the board and countersigned by the superintendent. *Such replenishment may be made by electronic, telephonic, or other medium, and each transfer shall be confirmed in writing and signed by the superintendent or his designee.*

(Renumber the subsequent sections.)

Amendment 2—On page 1, lines 1-8, strike the title and insert: A bill to be entitled An act relating to district school board direct-support organizations; amending s. 237.40, F.S., which provides an exemption from public records requirements for certain information contained in the annual audit reports of the organizations; saving such exemption from repeal; providing for future review and repeal; including additional information in the audit reports; requiring district school boards to prescribe by rule certain conditions for compliance by the organizations; providing an effective date.

House Amendment 2 to House Amendment 2—On page 1, line 20, after the semicolon (;) insert: revising the qualifications for such organizations,

House Amendment 4 to House Amendment 2—On page 1, line 16, after the semicolon insert: amending s. 237.211, F.S.; providing for replenishment of accounts under self-insurance programs by specified means;

On motions by Senator D. Childers, the Senate concurred in the House amendments.

SB 149 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Beard	Crenshaw	Girardeau	Hair
Brown	Deratany	Gordon	Hill
Childers, D.	Dudley	Grant	Hollingsworth
Childers, W. D.	Frank	Grizzle	Jenne

Johnson
Kiser
Langley
Lehtinen

Malchon
Margolis
Meek
Myers

Peterson
Plummer
Ros-Lehtinen
Scott

Thomas
Thurman
Weinstein
Weinstock

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 315 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 315—A bill to be entitled An act relating to development activities; amending s. 380.06, F.S.; providing requirements for final development orders; providing requirements and criteria for substantial deviations from approved development activities; providing requirements for vested rights after a certain date; providing an exemption from review for certain existing sports facility complexes owned by a state university; providing requirements for areawide developments undertaken by local governments; amending s. 380.061, F.S.; providing requirements for the Florida Quality Developments Program; amending s. 380.0651, F.S.; providing statewide guidelines and standards for developments required to undergo development-of-regional-impact review; amending s. 380.0662, F.S.; providing definitions; amending s. 380.0666, F.S.; providing powers of the land authority; amending s. 380.0667, F.S.; providing for purchases by the land authority at appraised value under certain conditions; amending s. 380.0668, F.S.; providing for the issuance of revenue bonds and providing certain requirements; amending s. 380.0669, F.S.; providing for state and local government liability on bonds; amending s. 380.0685, F.S.; providing for use of certain state park admission revenue by a land authority; providing an effective date.

Amendment 1—On page 2, lines 22-25, strike all of said lines and insert:

2. *The later adopted rule is adopted pursuant to section 403.061(27); or*
3. *The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program; or*
4. *The later adopted rule is mandated in order for the state to maintain delegation of a federal program; or*
5. *The later adopted rule is required by state or federal law.*

Amendment 2—On page 11, lines 12-31, and on page 12, line 1, strike all the underscored language

Amendment 3—On page 13, line 31, strike "15" and insert: 30

Amendment 4—On page 15, line 23, strike "Florida's" and insert: *The Florida Florida's*

On motions by Senator Kiser, the Senate concurred in the House amendments.

CS for SB 315 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Beard
Brown
Childers, W. D.
Crawford
Crenshaw
Deratany
Dudley
Frank

Girardeau
Gordon
Grant
Grizzle
Hair
Hill
Hollingsworth
Jenne

Johnson
Kiser
Langley
Lehtinen
Malchon
Margolis
McPherson
Meek

Myers
Plummer
Ros-Lehtinen
Scott
Thomas
Thurman
Weinstein
Weinstock

Nays—None

Vote after roll call:

Yea—Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 57 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 57—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.503, F.S.; revising exemptions from regulation under part II, ch. 489, F.S.; amending s. 489.505, F.S.; providing definitions applicable to said part; amending s. 489.507, F.S., relating to the Electrical Contractors' Licensing Board; deleting obsolete provisions; amending s. 489.509, F.S.; providing for regulatory fees; amending s. 489.511, F.S.; providing requirements for certification as an electrical or alarm system contractor; providing for licensure by endorsement under certain circumstances; amending s. 489.513, F.S.; providing for registration of electrical contractors; deleting provisions regarding temporary registration; amending s. 489.515, F.S.; providing for licensure of contractors; amending s. 489.519, F.S.; revising provisions for reactivating a license; amending s. 489.521, F.S.; clarifying requirements of an applicant or its proposed qualifying agent; deleting a provision relating to charging a fee for certifying a business organization as qualified; providing that a licensee must include his certificate or registration number on all applications for building permits and all advertising; amending s. 489.525, F.S.; revising certain reporting requirements; amending s. 489.531, F.S.; proscribing certain acts and providing penalties; amending s. 489.533, F.S.; establishing additional grounds for disciplinary action; amending s. 489.535, F.S.; requiring the board to report certain criminal violations; repealing s. 489.537(4), F.S., relating to local governmental requirements concerning specialty contractors; saving part II of ch. 489, F.S., and ss. 633.70, 633.71, and 633.72, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

Amendment 1—On page 2, line 15, strike everything after the enactment clause and insert:

Section 1. Section 489.503, Florida Statutes, is amended to read:

489.503 Exemptions.—This part act does not apply to:

(1) ~~A subcontractor or specialty contractor not otherwise certified under the provisions of this act whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction.~~

(1)(2) ~~An employee of a certificateholder, registrant or business organization authorized to engage in contracting who is a subordinate of such certificateholder, registrant or business organization employees and subordinates of any person engaged in contracting who is certified to engage in contracting, if the employee does employees do not hold himself themselves out for hire or engage in contracting except as an employee.~~

(2)(3) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or other municipal or political subdivision of this state, as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

(3)(4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order.

(4)(5) Public utilities, on construction, maintenance, and development work performed by their forces and incidental to their business.

(5)(6) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into, and do not become a permanent fixed part of, the structure. *This subsection shall not be construed to limit the exemptions provided in subsection (6).*

(6)(7) An owner of property making application for permit, supervising, and doing the work in connection with the construction, maintenance, repair, and alteration of and addition to a single-family or duplex residence for his own use and occupancy and not intended for sale.

(7)(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or any construction, alteration, improvement, or repair on any project when federal law supersedes this part act.

(8)(9) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches; regularly constituted irrigation districts; reclamation districts; or clearing or other work on the land in rural districts for fire prevention purposes or otherwise, except when performed by a certificateholder under this part act.

(9)(10) A registered architect ~~or, professional engineer, or residential designer acting within the scope of his practice, in his professional capacity~~ or any person exempted by the law regulating architects or engineers, including persons doing design work as specified in s. 481.229(1)(b).

(10)(11) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(11)(12) Any person whose business is limited to the installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having a square footage of not more than 5,000 square feet.

(12)(13) The installation of alarm systems on motor vehicles and boats.

(13)(14) Any person as defined and licensed under chapter 527.

(14) Any person defined and licensed as a fire protection system contractor under chapter 633, while engaged in work as a fire protection system contractor.

(15) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:

(a) A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring;

(b) A system of controlling an air-conditioning, heating, or ventilation system;

(c) A community antenna television or radio distribution system; or

(d) A system of electric locks or access control that does not include an alarm system.

The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, 1987 Edition, or 47 C.F.R. Part 68.

Section 2. Section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part act:

(1) "Alarm system" means any electrical device or combination of electrical devices used to detect a situation which causes an alarm in the event of a burglary, fire, robbery, medical emergency, or equipment failure.

(2) "Alarm system contractor" means a any person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation.

(a) "Alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes.

(b) "Alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as herein provided.

(3) ~~"Applicant" means a business entity making application for certification as an electrical contractor.~~

(3) (4) "Board," except "local board," means the Electrical Contractors' Licensing Board created by this part act.

(4) (5) "Certificate" means a geographically unlimited certificate of competency license issued by the department as provided in this part act.

(5) "Certificateholder" means a contractor who has obtained a certificate of competency.

(6) "Certification" means the act of obtaining or holding a certificate of competency from the department as provided in this part act.

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department.

(8) "Certified electrical contractor" means an electrical contractor who possesses a certificate of competency issued by the department.

(9) "Contracting" means, except as herein exempted in this part, engaging in business as a contractor ~~an electrical or alarm system contractor pursuant to a certificate or registration issued by the department.~~

(10) "Contractor" means a person who is qualified to engaged in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department.

(11) "Department" means the Department of Professional Regulation.

(12) "Electrical contractor" or "unlimited electrical contractor" means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

(13) ~~"License" means either certification or registration, or both, under the provisions of this act.~~

(13) (14) "Local construction regulation board" or "local board" means a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality.

(14) (15) "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the electrical or alarm system contracting activities of the business organization with which he is connected, ~~entity for whom he is a qualifying agent and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the board, and who has been issued a certificate of competency by the department.~~

(15) "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control the electrical or alarm system contracting activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in this part by the department, as attested to by the board, and who has been issued a certificate of competency by the department.

(16) "Registered electrical contractor" means an electrical contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. A registered electrical contractor may contract only in the jurisdiction for which his registration is issued. ~~possesses a geographically limited registration license issued by the department.~~

(17) "Registration" means registration with the department ~~a limited license as provided in this part act.~~

(18) "Registrant" means a person who has registered with the department pursuant to the requirements of this part act.

(19) "Specialty electrical contractor" means a contractor person whose scope of practice is limited to a specific segment of electrical contracting, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and installation and maintenance of elevators or, electrical outdoor advertising signs, ~~and air handling controls.~~

Section 3. Section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors' Licensing Board.—

(1) There is created in the Department of Professional Regulation an Electrical Contractors' Licensing Board. The board shall consist of eleven members, seven of whom shall be certified electrical contractors, two of whom shall be lay persons who are not, and have never been, electrical contractors or members of any closely related profession or occupation, one of whom shall be a certified alarm system contractor I, and one of whom shall be a certified specialty electrical contractor.

~~(2) Initially, the Governor shall appoint three members for a term of 4 years, three members for a term of 3 years, and three members for a term of 2 years. Thereafter, Members shall be appointed for 4-year terms.~~

~~(3) The members of the Florida Electrical Contractors' Licensing Board who are serving as of June 30, 1979, shall serve as members of the Electrical Contractors' Licensing Board until January 1, 1980, or until all members are appointed pursuant to subsection (1) and s. 20.30(5), whichever occurs first.~~

(2)(4) The board shall have the authority to make rules, consistent with law, as necessary to carry out the provisions of this part.

(3)(5) It is the intent of the Legislature that the board promulgate no rules and take no action to require that applicants for certification as alarm system contractors serve any type of apprenticeship before being allowed to sit for the certification examination.

Section 4. Section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—The board, by rule, shall may establish by rule fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable. The fee for initial application and examination for certification of electrical contractors shall not exceed \$200. The initial application fee for registration of electrical contractors shall not exceed \$75. The biennial renewal fee shall not exceed \$300 \$200 for certificate-holders and \$75 for registrants and shall be paid by June 30 of each biennial period. The fee for initial application and examination for certification of alarm system contractors shall not exceed \$400. The biennial renewal fee for alarm system contractors shall not exceed \$450. The board may establish a fee for a temporary certificate as an alarm system contractor not to exceed \$75. The board may also establish by rule a late renewal penalty: fee not to exceed \$50. The fee to transfer a certificate or registration from one business organization to another shall not exceed \$200. The fee for reactivation of an inactive license shall not exceed \$50. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

Section 5. Effective July 1, 1988, section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; prerequisites; endorsement.—

(1) Any person desiring to be licensed as a certified as a electrical or a certified alarm system contractor shall apply to the department in writing to take the certification examination.

(2) A person shall be entitled to take the certification examination for the purpose of determining whether he is qualified to engage in contracting contract throughout the state as a an electrical or alarm system contractor if the person:

- (a) Is 18 years of age;
- (b) Is of good moral character; and is otherwise qualified as provided in this section.
- (c) Meets eligibility requirements according to one of the following criteria:

1. Has at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

2. Has at least 6 years of comprehensive, specialized training, education, or experience associated with an electrical or alarm system contracting business; or

3. Has been licensed for 3 years as an engineer.

(3) Any person who applies for certification as an alarm system contractor prior to and including October 31, 1988 December 31, 1987, shall be entitled to take the certification examination if he has been engaged as an alarm system contractor, as defined by rule of the board, for the 12-month period preceding October 1, 1987, and obtains a temporary certificate as an alarm system contractor by November 1 January 1, 1988, by complying with standards set by the board. After obtaining the temporary certificate, the applicant must receive his initial certification as an alarm system contractor by March 1, 1989 October 1, 1988.

Any person applying for certification as an alarm system contractor pursuant to this subsection Each applicant shall take and pass an objective, written examination designed to test his fitness for certification in one of the classes defined in s. 489.505(2).

(4) Any registered unlimited electrical contractor or certified or registered specialty contractor who, prior to October 1, 1987, passed an examination determined by the board to be substantially equivalent to the examination required for certification as an alarm system contractor and who has satisfied the other requirements of this section shall be certified as an alarm system contractor I without further examination.

(5)(a) "Good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(b) The board may determine that an individual applying for certification is ineligible to take the examination for failure to satisfy the requirement of good moral character only if:

- 1. There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a certified contractor; and
- 2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an individual is found to be unqualified for examination because of a lack of good moral character, the board shall furnish such individual a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and appeal.

~~(3) The board shall investigate the financial responsibility and credit and business reputation of the applicant, as well as the education and experience as provided in s. 489.521 of the applicant's qualifying agent. The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification. Within 30 days from the date of the examination, the board shall inform the applicant in writing whether or not its qualifying agent has qualified and, if the applicant's qualifying agent has qualified, that it is ready to certify competency subject to compliance with the requirements of subsection (4).~~

~~(4) As a prerequisite to the issuance of a certificate, the board shall require the applicant to submit satisfactory evidence that it has obtained public liability and property damage insurance in an amount to be determined by rule by the board. Thereupon, the board shall certify to the department that the applicant is competent and the certificate shall be issued forthwith; however, this subsection does not apply to inactive certificates.~~

~~(5) If the qualifying agent of an applicant for an original certificate, after having been notified to do so, does not appear for examination within 1 year from the date of filing its application, the fee paid by it shall be credited as an earned fee. New application for a certificate shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the board for good cause.~~

~~(6) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building or electrical per-~~

~~mits in the area evidence of holding a current state certificate of competency, accompanied by the fee for the occupational license and permit required of other persons. However, a local construction regulation board may deny the issuance of an electrical permit to a certified electrical or alarm system contractor if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.~~

~~(7) The certificate is not transferable.~~

(6)(8) The board shall, by rule, designate those types of specialty electrical contractors who may be certified under this part act.

~~(7)(9) The board shall adopt rules specifying procedures for the licensing of practitioners desiring to be licensed in this state who have been licensed and are practicing in states which have licensing standards substantially similar to, equivalent to, or more stringent than, the standards of this state. certify as qualified for certification by endorsement any individual applying for certification who:~~

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; or

(b) Holds a valid license to practice electrical contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.

(10)(a) "Good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

~~(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:~~

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(e) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 6. Section 489.513, Florida Statutes, is amended to read:

489.513 Registration; application; requirements; ~~temporary registration.~~

(1) Any person desiring to be registered as an electrical contractor shall apply to the department for registration.

(2) Any electrical contractor may be registered to contract in the area specified in such registration if the contractor is qualified as provided in this section.

(3) All persons contracting in the state shall be registered with the department unless they are certified. To be registered, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed pursuant to this part act. The name or names of the business organization that the registrant is qualifying shall be listed on the registration issued by the department. No state-level examination is required for registration.

(4) Registration permits the registrant to engage in contracting only in the area and for the type of work covered by the registration, unless local licenses are issued for other areas and types of work or unless certi-

cation is obtained. When a registrant desires to register in an additional area of the state, he shall first comply with any local requirements of that area and then file a request with the department, together with evidence of holding a current occupational license or license issued by the county or municipality for the area or areas in which he desires to be registered, whereupon his evidence of registration shall be endorsed by the department to reflect valid registration for the new area or areas.

~~(5) The department may receive an application on prescribed forms with supporting data; and upon finding of fact by the board supporting the need and justification for and reasonable proof of competency of the applicant, the board may authorize the department to grant a limited and restricted registration for one project to a contractor not domiciled in the state. Renewal application or registration cannot be granted. During such registration, the board shall have complete authority to require compliance with this and other statutes of the state relating to electrical contracting.~~

~~(6) The application for a temporary registration constitutes the appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with, or incidental to, the practice of electrical contracting for which the temporary registration was issued.~~

Section 7. Section 489.515, Florida Statutes, is amended to read:

489.515 Issuance of certificates; registrations ~~Licensure.~~

(1)(a) The department shall issue a certificate to a person who the board certifies is qualified to become a certified contractor. ~~The department shall license any applicant who the board certifies is qualified to become a certified electrical or alarm system contractor or registered electrical contractor.~~

(b) The board shall certify as qualified for certification any person who satisfies the requirements of s. 489.511, who successfully passes the certification examination administered by the department, achieving a passing grade as established by board rule, and who submits satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts determined by rule of the board, and furnishes evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify.

(c) Upon compliance with the provisions of this section and payment of the certification fee, the department shall issue the person a certificate.

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 and who the board certifies is qualified to be registered. ~~The board shall certify for licensure any applicant who satisfies the requirements of this act.~~

(3) The board may refuse to certify any applicant who has violated any of the provisions of ss. 489.533 and 489.535.

(4) A certificate or registration is not transferable.

Section 8. Section 489.516, Florida Statutes, is created to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(1) Any person who desires to engage in electrical or alarm system contracting on a statewide basis shall, as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this part. To establish his competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in electrical contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) No person who is not certified or registered shall engage in the business of contracting in this state. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county or municipality may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(3) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building or electrical permits in the area evidence of holding a current certificate, and to pay the fee for the occupational license and permit required of other persons. However, a local construction regulation board may deny the issuance of an electrical permit to a certified contractor, or issue a permit with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents, or if the local construction regulation board has proof that such contractor, through the public hearing process, has been found guilty, in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

Section 9. Section 489.517, Florida Statutes, is amended to read:

489.517 Renewal of certificate; registration license.—

(1) The department shall renew a certificate or registration license upon receipt of the renewal application and fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of certificates and registrations licenses.

(3) Any certificate or registration license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such certificate or registration license may be reactivated only if the certificateholder or registrant licensee meets the other qualifications for reactivation in s. 489.519.

(4) Sixty days prior to the end of the biennium and automatic reversion of a certificate or registration license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the certificateholder or registrant licensee.

Section 10. Section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board not to exceed \$50.

(2) A certificate or registration license which has become been inactive for less than 1 year after the end of the biennium prescribed by the department may be reactivated renewed pursuant to s. 489.517 upon application to the department. payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The board may shall prescribe, by rule, continuing education requirements as a condition of reactivating a certificate or registration license. The continuing education requirements for reactivating a certificate or registration license shall not exceed 12 classroom hours for each year the certificate or registration license was inactive and in no event shall they exceed 48 120 classroom hours for all years in which the certificate or registration license was inactive. Any certificate or registration license which has been inactive for more than 4 10 years shall be automatically expire suspended. Once a certificate or registration expires, it becomes null and void without any further action by the board or department. One year prior to the expiration suspension, the department shall give notice to the certificateholder or registrant licensee. A suspended license may be reinstated as provided in s. 489.533.

Section 11. Section 489.521, Florida Statutes, is amended to read:

489.521 Business organizations; qualifying agents.—

(1) If When an individual applicant proposes to engage in contracting de-business as a sole proprietorship, certification, when granted, shall be issued only in the name of that individual applicant.

(2)(a) If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and furnish evidence of statutory compliance if a fictitious name is used.

(b) The application shall also show that the proposed qualifying agent is legally qualified to act for the business organization in matters connected with its contracting business and concerning regulations by the board and that he has authority to supervise work undertaken by the business organization. The person must possess the required skill, knowledge, and experience, as evidenced by 3 years' proven experience in the trade or education equivalent thereto, or a combination thereof, but not more than one half of such experience may be educational equivalent, except that the board may, upon receipt of satisfactory proof of at least 6 years of comprehensive, specialized training, education, or experience associated with the business concerned, accept such proof in lieu of other prerequisites heretofore enumerated in this subsection, and, among other things, but not limited thereto, registration as a professional engineer shall be accepted as such proof to plan, lay out, supervise, and do the work of his trade, and who passed an examination and possesses a valid certificate of competency. The certificate, when issued upon application of a business organization, shall have the name of the qualifying individual or individuals noted thereon.

(c) The proposed qualifying agent shall demonstrate that he possesses the required skill, knowledge, and experience to qualify the business organization in the following manner:

1. Having met the qualifications provided in s. 489.511 and been issued a certificate of competency pursuant to the provisions of s. 489.511; or

2. Having demonstrated that he possesses the required experience and education requirements provided in s. 489.511 which would qualify him as eligible to take the certification examination.

(3)(a) The business organization shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The board shall adopt rules defining financial responsibility based upon the business organization's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may determine that a business organization is not qualified to engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the board shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the board for good cause.

(d) Once the board has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance or the renewal of a certificate, the certificateholder or the business organization he qualifies shall submit an affidavit on a form provided by the board attesting to the fact that he or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an amount to be determined by rule by the board. The board shall by rule establish a procedure to verify the accuracy of such affida-

vits based upon a random sample method. In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify. The board shall adopt rules defining financial responsibility based upon the credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant to engage in the contracting business. If, within 60 days from the date the certificateholder or business organization is notified that he has qualified, he does not provide the evidence required, he shall apply to the department for an extension of time which shall be granted upon a showing of just cause. Thereupon, the board shall certify to the department that the certificateholder or the business organization is competent and qualified to engage in contracting. However, the provisions of this subsection do not apply to inactive certificates.

(5)(3) At least one member or supervising employee of the business organization must be qualified under this act in order for the business organization to be qualified to engage in contracting ~~hold a current certificate in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of the business organization ceases to be affiliated with the business organization, he shall notify the board and the department thereof within 30 days after such occurrence. In addition, if the individual is the only qualified individual affiliated with the business organization, the business organization shall notify the board and the department of the individual's termination, and it shall have a period of 60 days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provision of this act, failing which, the board shall determine that certification of the business organization is no longer qualified to engage in contracting shall be subject to revocation by the board.~~ The individual shall also inform the board in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he, or such new business organization, shall supply the same information to the board as required for applicants under this act. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization and upon a favorable determination, the board shall certify the business organization as qualified, and the department shall forthwith issue, without charge or examination, a new certificate in the individual's name, which shall include ~~or in~~ the name of the new business organization, as provided in this section.

(6)(4) When a ~~certified~~ business organization qualified to engage in contracting makes application for an occupational license in any municipality or county of this state, the application shall be made with the tax collector in the name of the business organization, and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the department.

(7)(a) Each registered or certified contractor shall affix the number of his registration or certification to each application for a building permit and to each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of a building permit, that the contractor applying for the permit provide verification giving the number of his registration or certification under this part.

(b) The registration or certification number of a contractor shall be stated in each advertisement in any newspaper, airwave transmission, telephone directory advertisement, or other advertising medium used by that contractor.

(8) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration to qualify any additional business organizations. If the qualifying agent for a business organization desires to qualify additional business organizations, the board shall require him to present evidence of ability and financial responsibility of each such organization. The issuance of such certification or registration is discretionary with the board.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

Section 12. Section 489.522, Florida Statutes, is created to read:

489.522 Qualifying agents; responsibilities.—

(1) A qualifying agent is a primary qualifying agent, unless he is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(2) One of the qualifying agents, for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the board, by all qualifying agents for the business organization. The joint agreement shall be submitted to the board for approval. If the board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his license was used to obtain the building permit; and

2. Any other work for which he accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate his status as such by giving actual notice to the business organization, to the board, and to all secondary qualifying agents of his intention to terminate his status. His notice to the board shall include proof satisfactory to the board that he has given the notice required in this paragraph. The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the board, whichever first occurs. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents, unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

(b) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for his predecessor's actions, but is responsible, even after a change in status, for matters for which he was responsible while in a particular status.

Section 13. Section 489.523, Florida Statutes, is amended to read:

489.523 Emergency registration upon death of contractor.—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified. The person shall notify the appropriate board, within 30 days after the death of the contractor, of his name and address, his knowledge of the contract, and his ability to complete it. If the board approves, he may proceed with the contract. ~~within 30 days after the death of the contractor.~~ The board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the board, an incomplete contract may be one which has been awarded to, or entered into by, the contractor before his death, or on which he was the low bidder and the contract is subsequently awarded to him, regardless of whether any actual work has commenced under the contract before his death.

Section 14. Section 489.525, Florida Statutes, is amended to read:

489.525 Reports of certified contractors to local building officials.—

(1) The department shall inform all local boards or building officials prior to October of each year of the names of *all certificateholders these certified* and the status of the certificates.

(2) The department shall include in the report of certified contractors provided in subsection (1) a report to all county tax collectors, local boards, and building officials, containing:

(a) The contents of this *part act*; and

(b) The contents of the rules of the board and the contents of the rules of the department which affect local government as determined by the department.

Section 15. Section 489.527, Florida Statutes, is amended to read:

489.527 Certificateholders qualified to participate in projects under s. 235.31.—Notwithstanding any provisions to the contrary in s. 235.31 relating to ~~concerning~~ prequalification of bidders, any person holding a certificate *shall be deemed* is qualified to participate in any project ~~thereunder contemplated by the section.~~

Section 16. Section 489.531, Florida Statutes, is amended to read:

489.531 Prohibitions; penalties.—

(1) No person shall ~~knowingly~~:

(a) Practice ~~electrical or alarm system~~ contracting unless the person is certified or registered;

(b) Use the name or title "electrical contractor" or "alarm system contractor" or words to that effect, *or advertise himself as available to practice electrical or alarm contracting*, when the person is not then the holder of a valid certification or registration issued pursuant to this *part act*;

(c) Present as his own the ~~certificate certification~~ or registration of another;

(d) Use or attempt to use a ~~certificate certification~~ or registration which has been suspended, revoked, or placed on inactive status;

(e) Employ ~~unlicensed~~ persons *who are not certified or registered* to practice ~~electrical or alarm system~~ contracting;

(f) Give false or forged evidence to the department, the board, or a member thereof for the purpose of obtaining a ~~certificate certification~~ or registration;

(g) *Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent; or*

~~(g) Use or attempt to use an electrical contractor's certification or registration or alarm system contractor's certificate which has been suspended or revoked; or~~

(h) Conceal information relative to violations of this *part act*.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Section 489.533, Florida Statutes, is amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

(a) ~~Violating Violation of~~ any provision of s. 489.531 or chapter 455.;

(b) Attempting to procure a certificate or registration to practice electrical or alarm system contracting by bribery or fraudulent misrepresentations.;

(c) Having a certificate or registration to practice ~~electrical or alarm system~~ contracting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of electrical or alarm system contracting or the ability to practice electrical or alarm system contracting.;

(e) Making or filing a report or record which the *certificateholder or registrant licensee* knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a *certified licensed* electrical or alarm system contractor.;

(f) ~~Being found Upon proof that the licensee is~~ guilty of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of electrical or alarm system contracting.;

(g) ~~Violating Violation of~~ chapter 633 or the rules of the State Fire Marshal.;

(h) Practicing on a revoked, suspended, or inactive certificate or registration.;

(i) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or any municipality or county thereof.;

(j) ~~Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered. Aiding or abetting any person to evade any provision of this act;~~

(k) Knowingly combining or conspiring with any person by allowing one's certificate to be used by any uncertified person with intent to evade the provisions of this *part act*. When a *certificateholder licensee* allows his *certificate license* to be used by one or more companies without having any active participation in the operations or management of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this *part act*;

(l) Acting in the capacity of a contractor under any *certificate or registration license* issued hereunder except in the name of the *certificateholder or registrant licensee* as set forth on the issued certificate or registration or in accordance with the personnel of the *certificateholder or registrant licensee* as set forth in the application for the certificate or registration or as later changed as provided in this *part act*;

(m) *Committing financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs if:*

1. A valid lien has been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job, the contractor has received funds from the customer to pay for the supplies or services, and the contractor has not had the lien removed from the property, by payment or by bond, within 30 days after the date of the lien.

2. A contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price that had been paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain the excess funds under the terms of the contract or refunds the excess funds within 30 days after the date of abandonment.

3. The contractor's job has been completed and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer. ~~Diverting funds or property received for prosecution or completion of a specified construction project or operation when as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract;~~

(n) ~~Being disciplined Disciplinary action~~ by any municipality or county for an act that is a violation of this section, which disciplinary action shall be reviewed by the board before the board takes any disciplinary action of its own. ~~or~~

(o) Failing in any material respect to comply with the provisions of this *part act*.

(p) ~~Abandoning Abandonment of~~ a project which the contractor is engaged in or is under contractual obligation to perform. The failure of a contractor to perform work without just cause for 90 consecutive days shall create a presumption that the contractor has abandoned the job.

(q) *Failing to affix a registration or certification number as required by s. 489.521(7).*

(r) *Proceeding on any job without obtaining applicable local building department permits and inspections.*

(s) *Practicing beyond the scope of a certification or registration.*

(2) When the board finds any ~~electrical or alarm system~~ contractor or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for certification or registration ~~license~~.

(b) Revocation or suspension of a certificate or registration ~~license~~.

(c) Imposition of an administrative fine not to exceed \$5,000 ~~\$1,000~~ for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the ~~electrical or alarm system~~ contractor on probation for a period of time and subject to such conditions as the board may specify, including requiring the ~~electrical or alarm system~~ contractor to attend continuing education courses or to work under the supervision of another ~~electrical or alarm system~~ contractor.

(f) Restriction of the authorized scope of practice by the ~~electrical or alarm system~~ contractor.

(3) *In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the board by rule. The department shall advise the hearing officer of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation. The department shall ~~reissue the license of a disciplined electrical or alarm system contractor upon certification by the board that he has complied with all of the terms and conditions set forth in the final order.~~*

(4) *The board may not reinstate the certificate or registration of, or cause a certificate or registration to be issued to, a person who the board has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.*

(5)(4) When the board imposes administrative fines pursuant to subsection (2) resulting from violation of chapter 633 or violation of the rules of the State Fire Marshal, 50 percent of the fine shall be paid into the Insurance Commissioner's Regulatory Trust Fund to help defray the costs of investigating the violations and obtaining the corrective action. The State Fire Marshal may participate at its discretion, but not as a party, in any proceedings before the board relating to violation of chapter 633 or the rules of the State Fire Marshal, in order to make recommendations as to the appropriate penalty in such case. However, the State Fire Marshal shall not have standing to bring disciplinary proceedings regarding certification ~~license~~.

(6)(6) The board may restrain any violation of this *part* ~~act~~ by action in a court of competent jurisdiction.

Section 18. Section 489.535, Florida Statutes, is amended to read:

489.535 Prosecution of criminal violations.—The board shall report any criminal violation of this *part* ~~act~~ to the proper prosecuting authority for prompt prosecution.

Section 19. Section 489.537, Florida Statutes, is amended to read:

489.537 Application of this *part*.—

(1) This *part* applies to any contractor performing work for the state or any county or municipality.

(2) The scope of electrical contracting shall apply to private and public property and shall include any excavation, paving, and other related work incidental thereto and shall include the work of all specialty electrical contractors. However, such *electrical* contractor shall subcontract the work of any other craft for which an examination for a certificate of competency or registration or a license is required, unless such contractor is *certified or registered holds a certificate of competency or registration* or holds a license for the respective trade category as required by the appropriate local authority.

(3) Nothing in this act limits the power of a municipality or county:

(a) To regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which is designed to secure compliance with, and aid in the implementation of, state and local building laws or to enforce other local laws for the protection of the public health and safety.

(b) To collect fees for occupational licenses and inspections for engaging in contracting or examination fees from persons who are registered with the local boards pursuant to local examination requirements.

(c) To adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

(d) To require *one* a bond for *each* electrical contractor ~~contractors~~ in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the applicable state minimum building code and applicable local building code requirements adopted pursuant to s. 553.73. Any such bond must be equally available to all electrical contractors without regard to the period of time an electrical contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Governor and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule.

(e)1. *To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation.*

2. *To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.*

(4) ~~Nothing in this act shall be construed to waive any requirements of any existing local ordinance or resolution of a board of county commissioners regulating the type of work required to be performed by specialty contractors.~~

(4)(6) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is certified or registered and duly qualified according to any local requirements in the area where the construction is to take place before issuing the permit. The evidence shall consist only of the exhibition to him of current evidence of proper certification or registration and local qualification.

(5)(a)(6) Municipalities or counties may continue to provide examinations for their territorial area, *provided that no examination is given the holder of a certificate.*

(b) *To engage in contracting in the territorial area, an applicant shall also be registered with the board.*

(c) *Each local board or agency which licenses contractors shall transmit monthly to the board a report of any disciplinary action taken against contractors and any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor, including any cease and desist order issued pursuant to s. 489.516(2)(b). If a certificate has not been issued by the board. Any disciplinary action by a municipality, county, or other local unit of government against an electrical contractor for an act or omission relating to electrical contracting shall be reported to the board within 30 days after such final action.*

(6)(7) The right to create local boards in the future by any municipality or county is preserved.

(7)(8) The scope of work of a certified unlimited electrical contractor includes the work of a certified alarm system contractor as provided in this *part*.

Section 20. Subsection (1) of section 553.19, Florida Statutes, is amended to read:

553.19 Adoption of electrical standards.—For the purpose of establishing minimum electrical standards in this state, the following standards are adopted:

(1) "National Electrical Code 1987 ~~1984~~," NFPA No. 70-1987 70-1984, with the exception of Article 210-8, Ground Fault Circuit Protection.

Section 21. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, part II of chapter 489, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 22. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 633.70, 633.71, and 633.72, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 23. Part II of chapter 489, Florida Statutes, is repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 24. Sections 633.70, 633.71, and 633.72, Florida Statutes, are repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 25. Except as otherwise provided herein, this act shall take effect October 1, 1988.

Amendment 2—On page 1, lines 2-31, and on page 2, lines 1-11, strike all of said lines and insert: An act relating to electrical and alarm system contracting; amending s. 489.503, F.S.; modifying exemptions; amending s. 489.505, F.S.; modifying definitions; amending s. 489.507, F.S.; deleting obsolete language; amending s. 489.509, F.S.; revising provisions relating to fees; amending s. 489.511, F.S.; revising provisions relating to certification; providing qualifications; providing for certification by endorsement; amending s. 489.513, F.S.; revising provisions relating to registration; eliminating temporary registration; amending s. 489.515, F.S.; providing for issuance of certificates and registrations; prohibiting transfer; creating s. 489.516, F.S.; providing qualifications to practice; providing restrictions; providing prerequisites; providing for cease and desist orders; providing for denial of local construction permits; amending s. 489.517, F.S.; providing for renewal; amending s. 489.519, F.S.; revising provisions relating to inactive status; amending s. 489.521, F.S.; revising requirements relating to qualifying agents for business organizations; providing qualifications; providing for examination; providing for financial responsibility; requiring registration or certification numbers on building permits and advertisements; creating s. 489.522, F.S.; specifying responsibilities of primary and secondary qualifying agents; providing for termination of status; amending s. 489.523, F.S.; modifying requirements for completion of a contract upon the death of a contractor; amending ss. 489.525, 489.527, and 489.535, F.S.; conforming language; amending s. 489.531, F.S.; modifying prohibitions; amending s. 489.533, F.S.; providing additional grounds for disciplinary actions; providing for application of penalties to a qualified agent's business organization; providing procedures for the imposition of penalties and reinstatement of certificates or registrations; amending s. 489.537, F.S.; providing certain authority of municipalities and counties; requiring reports of certain administrative or disciplinary actions; amending s. 553.19, F.S.; updating references; saving part II of chapter 489 and ss. 633.70, 633.71, and 633.72, F.S., from Sunset repeal; providing for future review and repeal; providing effective dates.

On motions by Senator Margolis, the Senate concurred in the House amendments.

CS for SB 57 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Beard	Crenshaw	Girardeau	Hill
Brown	Deratany	Gordon	Hollingsworth
Childers, D.	Dudley	Grant	Jenne
Childers, W. D.	Frank	Grizzle	Johnson

Kiser	Margolis	Plummer	Thurman
Langley	Meek	Ros-Lehtinen	Weinstein
Lehtinen	Myers	Scott	Weinstock
Malchon	Peterson	Thomas	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 259 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 259—A bill to be entitled An act relating to postsecondary education; amending s. 240.137, F.S.; relating to linkage institutes between postsecondary institutes of Florida and foreign countries; redesignating the community colleges to jointly administer the Florida-Canada Institute; creating a Florida-Israel Institute; providing an effective date.

Amendment 1—On page 1, lines 13-24, strike all of said lines and insert:

Section 1. Subsection (4) of section 240.137, Florida Statutes, is amended to read:

240.137 Linkage institutes between postsecondary institutions of Florida and foreign countries.—

(4) The following institutes are created as provided below:

(a) Florida-Brazil Institute (University of Florida and Miami-Dade Community College).;

(b) Florida-Costa Rica Institute (Florida State University and Valencia Community College).;

(c) Florida Caribbean Institute (Florida International University and Daytona Beach Community College).;

(d) Florida-Canada Institute (University of Central Florida and ~~Palm Beach Junior Broward Community College~~).;

(e) Florida-China Institute (University of West Florida and Brevard Community College).;

(f) Florida-Japan Institute (University of South Florida and St. Petersburg Community College).

(g) *Florida-France Institute (New College of the University of South Florida and Florida State University).*

(h) *Florida-Israel Institute (Florida Atlantic University and Broward Community College).*

Section 2. Subsection (8) of Section 1 of chapter 86-216, Laws of Florida, as amended by chapter 87-251, Laws of Florida, is amended to read:

Section 1.

(8) The provisions of this section shall expire on June 30, 1989 ~~1988~~.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 7, after "a" insert: Florida-France Institute and a

Amendment 3—In title, on page 1, line 8, after the semicolon (,) insert: amending section 1 of chapter 86-216, Laws of Florida, as amended by chapter 87-251, Laws of Florida; extending the expiration date of the Florida Council on Asian Affairs;

On motions by Senator Jenne, the Senate concurred in the House amendments.

CS for SB 259 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crenshaw	Hill	McPherson	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Myers	Woodson
Frank	Johnson	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 155 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 155—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S., revising exemptions from regulation under part I, ch. 489, F.S.; amending s. 489.105, F.S.; providing definitions applicable to said part; providing for regulation of persons who perform work with respect to hot tubs or spas and with respect to roof coating and persons who use fiberglass for sheet-metal type work; including underground utility contractors and specialty contractors among the categories of Division II contractors; amending s. 489.107, F.S.; revising composition of the Construction Industry Licensing Board; amending s. 489.109, F.S.; providing for regulatory fees; providing for the disposition of certain fees; requiring annual summaries of allocations by institution and of projects funded; amending s. 489.111, F.S.; revising requirements for examination for certification; providing for cease and desist orders against persons who do not hold the required certification or registration; amending s. 489.113, F.S.; revising requirements for engaging in contracting in the state; amending s. 489.115, F.S.; providing for certification or registration as a contractor; revising requirements for licensure by endorsement; providing for renewal; amending s. 489.117, F.S.; revising requirements relating to temporary limited registration; amending s. 489.119, F.S.; providing for licensure of business organizations, including joint ventures; providing for submission of bids by joint ventures; creating s. 489.1195, F.S.; prescribing classes of qualifying agents; defining responsibilities of such agents; amending s. 489.129, F.S.; providing grounds and penalties for disciplinary action; providing for recommendations by hearing officers concerning penalties; providing for reinstatement; amending s. 489.131, F.S.; providing for applicability of the part; providing for local examination to engage in contracting; permitting structural components of buildings to be constructed or altered only by Division I contractors; reviving and readopting ss. 489.101-489.107, 489.109-489.131, F.S., notwithstanding their scheduled repeal; providing for future review and repeal of ss. 489.101-489.131, F.S.; reviving, readopting, transferring, and amending s. 489.5331, F.S., relating to damages in certain actions against contractors; clarifying the application of said section; repealing s. 16, ch. 87-310, Laws of Florida, relating to Sunset termination of said section; providing an effective date.

Amendment 1—On page 3, line 1, through page 40, line 8, strike all language and insert:

Section 1. Section 489.101, Florida Statutes, is amended to read:

489.101 Purpose.—The Legislature recognizes that the construction and home improvement industries are significant industries. Such industries may pose a danger of significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable, or short-lived products or services. Therefore, it is necessary in the interest of the public health, safety, and welfare to regulate the construction industry.

Section 2. The introductory paragraph and subsections (2), (6), (7), (8), (9), and (11) of section 489.103, Florida Statutes, are amended to read:

489.103 Exemptions.—This part *aet* does not apply to:

(2) Any employee of a certificateholder or registrant licensee who is a subordinate of such certificateholder or registrant licensee if the employee does not hold himself out for hire or engage in contracting except as an employee.

(6) The sale or installation of any finished products, materials, or articles of merchandise which are not fabricated into and do not become a permanent fixed part of the structure, except for spas or inground or aboveground swimming pools with a capacity in excess of 200 500 gallons, and for aboveground swimming pools with a capacity in excess of 200 gallons that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection shall not be construed to limit the exemptions provided in subsection (7).

(7) Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale, or building or improving commercial buildings at a cost of under \$25,000 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part *aet*, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within 1 year after completion of same is *prima facie* presumptive evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one- or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of \$25,000 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have built yourself within one year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your construction must be done according to building codes and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part *aet*.

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 \$500 for the purpose of evading this part *aet* or otherwise.

(b) To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.

(11) A registered architect or engineer, or residential designer acting within the scope of his practice in his professional capacity or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in s. 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this chapter.

Section 3. Section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part *aet*:

(1) "Board" means the Construction Industry Licensing Board.

(2) "Department" means the Department of Professional Regulation.

(3) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this part *aet*, the person who, for compensation, undertakes to, sub-

mits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(n) ~~(d)-(m)~~:

(a) "General contractor" means a contractor whose services are unlimited as to the type of work which he may do, except as provided in this part act.

(b) "Building contractor" means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

(c) "Residential contractor" means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U. S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, and waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.

(f) "Class A air conditioning contractor" means a contractor ~~any person~~ whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith; and to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to disconnect or reconnect power wiring on the load side of the disconnect switch and low voltage heating, ventilating, and air conditioning control wiring; and to install ~~installation~~ of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch.

(g) "Class B air conditioning contractor" means a contractor ~~any person~~ whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification; and to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and, insulation of pipes, vessels, and ducts; to disconnect or reconnect power wiring on the load side of the disconnect switch and low voltage heating, ventilating, and air conditioning control

wiring; and to install, ~~and installation~~ of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch.

(h) "Class C air conditioning contractor" means a contractor ~~any person~~ whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he is servicing, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air conditioning contractor shall be so registered or certified after October 1, 1988.

(i) "Mechanical contractor" means a contractor ~~any person~~ whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith; and to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas fuel lines within buildings; to disconnect or reconnect power wiring on the load side of the disconnect switch and low voltage heating, ventilating, and air conditioning control wiring; and to install ~~installation~~ of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(j) "Commercial pool/spa contractor" means a contractor ~~any person~~ whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, pouring of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(k) "Residential pool/spa contractor" means a contractor ~~any person~~ whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, pouring of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(l) "Swimming pool/spa servicing contractor" means a contractor ~~any person~~ whose scope of work involves the servicing, repair, water treatment, including, but not limited to, the direct infusion of chlorine gas, and maintenance of any swimming pool, or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, repouring of decks, and reinstallation or addition of pool heaters.

(m) "Plumbing contractor" means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas (excluding liquid petroleum gases), and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Nothing in this definition shall be construed to limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6). *Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission, when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.*

(n) "Underground utility contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, and storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. An underground utility contractor shall not install any piping that is an integral part of a fire protection system, as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

(4) "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization entity with which he is connected; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part act, as attested by the department.

(5) "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

(6)(5) "Contracting" means, except as exempted in this part act, engaging in business as a contractor.

(7)(6) "Certificate" means a certificate of competency issued by the department as provided in this part act.

(8)(7) "Certified contractor" means any contractor who possesses a certificate of competency issued by the department and who shall be allowed to may contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

(9)(8) "Registration" means registration with the department as provided in this part act.

(10)(9) "Registered contractor" means any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions these areas.

(11)(10) "Certification" means the act of obtaining or holding a certificate of competency from the department as provided in this part act.

(12)(11) "Specialty contractor" means a contractor whose scope of work and responsibility is limited to a particular phase of construction or whose scope of work is limited to a subset of the activities described in the categories established in paragraphs (a)-(n) of subsection (3). Categories of specialty contractor shall be established by the board by rule and shall include, but not be limited to, asbestos abatement, solar, and specialty structure. ~~any contractor who does not fall within the categories established in paragraphs (a)-(m) of subsection (3).~~

(12) "Licensee" means a holder of a certificate issued pursuant to this act or a person registered pursuant to this act.

(13) "Local construction regulation board" means a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality.

(14) ~~"Pollutant storage systems specialty contractor" means a contractor who installs a pollutant storage tank.~~

(15) ~~"Pollutant storage tank" means a tank, together with associated piping or dispensing facilities, which is or could be used for the storage or supply of pollutants as defined in s. 376.301 and which is required to be registered under chapter 17-61 of the Florida Administrative Code or for which notification must be submitted under Subtitle I of the Resource Conservation and Recovery Act.~~

(16) ~~"Tank" means any container other than one which is above-ground and either elevated or situated upon an impermeable surface, or which is located in an accessible underground area and either elevated or situated upon an impermeable surface therein, in such manner that any leak in such container may be readily detected.~~

(17) ~~"Registered precision tank tester" means any precision tank tester who has registered with the department pursuant to s. 489.113(12). This registration shall be exempt from the provisions of prior municipality, county, or development district registration, as required under s. 489.117, and shall be registered on a statewide basis.~~

Section 4. Section 489.107, Florida Statutes, is amended to read:

489.107 Construction Industry Licensing Board.—

(1) To carry out the provisions of this part act, there is created within the Department of Professional Regulation the Construction Industry Licensing Board. Members and alternate members shall be appointed by the Governor, subject to confirmation by the Senate. *Effective October 1, 1988 Initially, the Governor shall appoint four members, each for a term of 1 year; five members, each for a term of 2 years; four members, each for a term of 3 years; and five members, each for a term of 4 years seven members and three alternate members, each for a term of 4 years, and seven members and two alternate members, each for a term of 3 years.* Thereafter, successors shall be appointed for 4-year terms. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive 4-year terms or more than 11 years on the board.

(2) The board shall consist of:

(a) ~~Seventeen regular eighteen~~ members, of whom:

(a)1. ~~Four~~ Three are primarily engaged in business as general contractors;

(a)2. Three are primarily engaged in business as building contractors or residential contractors, *however, at least one building contractor and one residential contractor shall be appointed;*

(a)3. One is primarily engaged in business as a roofing contractor;

(d)4. One is primarily engaged in business as a sheet metal contractor;

(e)5. One is primarily engaged in business as an air conditioning contractor;

(f)6. One is primarily engaged in business as a mechanical contractor;

(g)7. One is primarily engaged in business as a pool contractor;

(h)8. One is primarily engaged in business as a plumbing contractor;

(i)9. One is primarily engaged in business as an underground utility contractor;

(j)10. Two are lay persons who are not, and have never been, members or practitioners of a profession regulated by the board or members of any closely related profession; and

(k)11. Two are building officials of a municipality or county; and

(b) ~~Six alternate members, of whom:~~

1. ~~One is primarily engaged in business as a roofing contractor;~~

2. ~~One is primarily engaged in business as a sheet metal contractor;~~

3. ~~One is primarily engaged in business as an air conditioning contractor;~~

4. ~~One is primarily engaged in business as a mechanical contractor;~~

5. ~~One is primarily engaged in business as a pool contractor; and~~

6. ~~One is primarily engaged in business as a plumbing contractor.~~

(3) To be eligible for appointment, each contractor member and alternate member must have been certified by the board to operate as a contractor in the category with respect to which he is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of his appointment. Each appointee must be a citizen and resident of the state.

(4) ~~An alternate member may attend any meeting of the board, and, if the member and the corresponding alternate member are both present and voting, each shall have only one-half vote; however, if either the member or the corresponding alternate member is absent, the member or alternate member present shall have one vote.~~

(4)(b) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; one of the members appointed pursuant to paragraph (2)(j) subparagraph (2)(a)10; and one of the members appointed pursuant to paragraph (2)(k) subparagraph (2)(a)11; and has jurisdiction over the examination and regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the regular and alternate roofing contractor, sheet metal contractor, air conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility contractor members of the board; one of the members appointed pursuant to paragraph (2)(j) subparagraph (2)(a)10; and one of the members appointed pursuant to paragraph (2)(k) subparagraph (2)(a)11; and has jurisdiction over the examination and regulation of roofing contractors, sheet metal contractors, air conditioning contractors, mechanical contractors, pool contractors, plumbing contractors, and underground utility contractors.

(5)(6) Five members of Division I constitute a quorum, and five members of Division II constitute a quorum. The combined divisions shall meet together, at such times as the board deems necessary; but neither division, nor any committee thereof, shall take action on any matter under the jurisdiction of the other division. However, if either division is unable to obtain a quorum for the purpose of conducting disciplinary proceedings, it may request members of the other division, who are otherwise qualified to serve on the division unable to obtain a quorum, to join in its deliberations. Such additional members shall vote and count toward a quorum only during those disciplinary proceedings.

(6) The board shall establish at least one, but not more than two, probable cause panels for each division to meet the responsibilities set out in s. 455 225(3).

Section 5. Section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and recordmaking and recordkeeping. Effective October 1, 1979, The fees shall be established as follows:

(a) With respect to an applicant for a certificate, the initial application and examination fee shall not exceed \$250, and the initial certification fee and the biennial renewal fee shall not exceed \$100; and

(b) With respect to an applicant for registration, the initial application fee shall not exceed \$50, and the initial certification fee and the biennial renewal fee shall not exceed \$50.

Renewal fees for certificates and registrations shall be paid by June 30 of each biennial period. The fees required by the board on June 30, 1979, shall remain in effect through September 30, 1979. The board, by rule, may also establish penalty fees for late renewal not to exceed \$40 \$20 for certification and \$20 for \$10 registration for renewal applications made within 90 days after the end of the biennial period. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

(2) Failure to renew an active or voluntary inactive certificate or registration at the time of biennial renewal will result in the certificate or registration becoming involuntarily inactive. Failure to reactivate an involuntarily inactive certificate or registration after two consecutive renewal periods have lapsed will result in the certificate or registration becoming null and void without further action of the board. The department shall notify certificateholders and registrants who have failed to reactivate their certificates or registrations for a renewal period that such certificates or registrations shall become null and void if not renewed by the end of the second period.

(3) A certificate or registration which is involuntarily inactive may be reactivated by application to the department, including payment of an application fee for reactivation not to exceed \$100 as established by board rule, complying with any background investigation that may be required by the board, and upon payment of the current renewal fee for each biennium in which the certificate or registration was involuntarily inactive and the penalty fee.

(4) The department shall notify those certificateholders and registrants currently in an inactive status of the provisions of this section at the time of the next biennial renewal period.

(5) A certificateholder or registrant whose license has become null and void may reapply to the board for certification or registration. The board may waive education and experience requirements as promulgated by board rule upon reapplication; however, the board may require any additional current requirements for certification or registration, including reexamination. A certificate or registration which is inactive because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within 90 days after June 30 of the renewal year. If the application for restoration is not made within the 90-day period, the fee for restoration shall be equal to the original application fee plus the renewal fee for each additional period the license has been delinquent; and in addition, the board may require reexamination of the applicant.

(6)(2) A person who is registered or holds a valid certificate from the board may go on voluntary inactive status during which time he shall not engage in contracting but may retain his certificate or registration on an inactive basis on payment of a biennial renewal fee during the inactive period, not to exceed \$20 per biennial period. To go off voluntary inactive status, such person shall be required only to pay the regular biennial renewal fee for certification or registration.

(7)(4) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants licensees shall pay a fee of \$4 to the department at the time of application or biennial renewal. The funds shall be transferred at the end of each biennial licensing period to the Department of Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are

transferred, advise the Department of Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problem costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Education. The Department of Education shall allocate for distribution in the following manner:

(a) ~~fifty percent of the funds to shall be allocated to fund research projects relating to the building construction industry in a graduate program in building construction in a Florida university and.~~

(b) ~~fifty percent of the funds to shall be apportioned among all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. The Department of Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Education shall cause a to be made to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. Each institution receiving funds under this subsection shall utilize such funds for research projects relating to the building construction industry or for continuing education programs to be offered to those engaged in the building construction industry in Florida.~~

Section 6. Paragraph (c) of subsection (2) and paragraph (b) of subsection (3) of section 489.111, Florida Statutes, are amended to read:

489.111 Examinations.—

(2) A person shall be entitled to take the examination for the purpose of determining whether he is qualified to engage in contracting throughout this state if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this *part act*, a minimum of 2,000 man-hours shall be used in determining full-time equivalency.

2. Has a total of at least 43 years of active experience as a workman who has learned his trade by serving an apprenticeship, or as a skilled workman who is able to command the rate of a mechanic in his particular trade, or as a and has at least 1 year of active experience at the level of foreman who is in charge of a group of workmen and usually is responsible to a superintendent or a contractor or his equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled workman, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college level courses; or has a combination of not less than 2 years of experience as a skilled workman, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. For the number of years of credits for any accredited college-level courses, the applicant shall show completion of an equal number of courses in the appropriate field of engineering, architecture, or building construction. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to take the building contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified residential contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified building contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

5.a. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class B contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified air conditioning Class B contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

6.a. An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

(3)

(b) When an applicant is found to be unqualified for a *certificate license* because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 7. Section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this *part act*. To establish his competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this *part act*, unless exempted by this *part act*. ~~Registration shall be required of specialty contractors when licensing is required by a county or municipality in which the specialty contractor practices.~~

(2) No person who is not certified or registered a licensee shall engage in the business of contracting in this state. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this *part*. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this *part*.

(3) A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, commercial swimming pool, and air conditioning work for which a local examination for a certificate of competency or a license is required, unless such contractor holds a state certificate of competency or license of the respective trade category, as required by the appropriate local authority. However, a general, building, or residential contractor shall not be required to subcontract the installation of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction, and a general contractor shall not be required to subcontract structural swimming pool work. Further, a general contractor, on new site development work, site redevelopment work, mobile home parks, and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer col-

lection system, the storm collection system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings. Further, as to mobile home parks, the general contractor shall not be required to subcontract the continuation of utility lines from the mains, and the continuations are to be considered a part of the main sewer collection and main water distribution systems. This subsection does not apply if the local authority does not require a certificate of competency or license for such trade. However, no general, building, or residential contractor certified after 1973 shall act as, hold himself out to be, or advertise himself to be a roofing contractor unless he is certified or registered as a roofing contractor.

(4) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall be required only to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area evidence of holding a current certificate and to pay the fee for the occupational license and building permit required of other persons. However, a local construction regulation board may deny the issuance of a building permit to a certified contractor, or issue a permit with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents or if the local construction regulation board has proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

(5) The certificate is not transferable.

(6) The board shall, by rule, designate those types of specialty contractors which may be certified under this part act.

(7) The board shall, by July 1, 1987, adopt rules providing standards for certification of pollutant storage systems specialty contractors and by July 1, 1988, amend such rules to include persons who remove such systems. The Department of Environmental Regulation shall review and comment on such rules prior to adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the board.

(d) Requirements for certification without examination of pollutant storage systems specialty contractors for any certified mechanical contractor, any certified plumbing contractor, and any registered mechanical or plumbing contractor who has passed a local examination judged by the board to be at least as stringent as the equivalent state mechanical or plumbing contractor's examination, provided that such contractor has been certified prior to July 1, 1986, or has been registered and passed such local examination prior to July 1, 1986.

The board may use standards and examinations of national organizations if such standards and examinations are adequate to ensure competent installation and removal of pollutant storage tanks. All such standards and examinations shall be designed to ensure that leaks and other discharges are eliminated to the greatest extent possible.

(8)(a) Any person who has operated as a pollutant storage systems specialty contractor during the 5 years preceding September 1, 1986, shall receive within 30 days after written request a temporary certificate permitting such person to continue operating without certification until July 1, 1989, if such person:

1. Notifies the department in writing that he intends to continue such operation and submits an application fee set by the board not to exceed \$50; and

2. Provides a history of successful operation as a pollutant storage systems specialty contractor within such time period.

(b) A contractor seeking to be certified pursuant to paragraph (7)(d) shall receive within 30 days after written request a temporary certificate permitting such contractor to continue operating without certification until the board determines whether he qualifies for a certificate under paragraph (7)(d), provided that such contractor:

1. Notifies the department in writing that he intends to apply for certification under paragraph (7)(d); and

2. Provides the board sufficient information to determine that such contractor qualifies on the basis of certification or registration and the passage of an examination.

The board may revoke or refuse to issue such temporary certificate for violation of s. 489.127 or s. 489.129.

(9)(a) Effective October 1, 1986, notwithstanding any provision of this chapter to the contrary, no person shall engage in contracting as a pollutant storage systems specialty contractor unless such person is certified as a pollutant storage systems specialty contractor pursuant to this part, nor shall any official authorized to issue building or other related permits issue a permit or permits for the installation of a pollutant storage tank unless such official ascertains that the applicant for such permit or permits is certified as a pollutant storage systems specialty contractor.

(b) The Department of Environmental Regulation may inspect the installation of any pollutant storage tank. Any person installing a pollutant storage tank after July 1, 1987, shall certify that such installation is in accordance with the standards adopted pursuant to s. 376.303. The Department of Environmental Regulation shall promulgate a form for such certification which shall at a minimum include:

1. A signed statement by the certified pollutant storage systems specialty contractor that such installation is in accordance with standards adopted pursuant to s. 376.303; and

2. Signed statements by the onsite persons performing or supervising the installation of a pollutant storage tank, which statements shall be required of tasks that are necessary for the proper installation of such tank.

(c)1. The Department of Environmental Regulation shall, to the greatest extent possible, contract with local governments to provide for the administration of its responsibilities under this subsection. Such contracts may allow for administration outside the jurisdictional boundaries of a local government. However, no such contract shall be entered into unless the local government is deemed capable of carrying out such responsibilities to the satisfaction of the Department of Environmental Regulation.

2. To this end, the Department of Environmental Regulation shall inform local governments as to the provisions of this section and as to their options hereunder. At its option, any local government may apply to the Department of Environmental Regulation for such purpose, on forms to be provided by the Department of Environmental Regulation, and shall supply such information as the Department of Environmental Regulation may require.

(d) The Department of Environmental Regulation may enjoin the installation or use of any pollutant storage tank that has been or is being installed in violation of this part.

(e) The Department of Environmental Regulation shall establish a pilot program providing for inspections of pollutant storage tanks in a county of less than 300,000 population. The Department of Environmental Regulation shall adopt rules providing for such inspection program, which rules shall provide for an inspection prior to placing a pollutant storage tank in the excavation, an inspection after assembly but before connection to the tank, and an inspection prior to placing the pollutant storage tank in service. All such inspections shall be conducted pursuant to the standards adopted under s. 376.303. Inspection fees shall be set by rule and shall not exceed \$200 per pollutant storage tank, which fees shall fund the inspection program. The Department of Environmental Regulation may contract, pursuant to paragraph (c), with the county government to perform such inspections, in which case the county government shall receive the inspection fees to fund the program. The county government shall make application to the Department of Environmental Regulation for the administration of the program. If more than one county

government applies, the Department of Environmental Regulation shall determine which county is most capable of administering the program and may contract with that county. If no county of less than 300,000 in population applies to administer the program by September 1, 1987, all counties in the state shall be eligible to administer the program, regardless of population. The county government shall not require any additional inspections, except for electrical inspections, of a pollutant storage tank installed during the term of the pilot inspection program. Such program shall be established within 30 days after execution of a contract with a county or, if no county applies by December 1, 1987, within 30 days after the date on which the Department of Environmental Regulation designates the county in which it will administer the program, but in any event no later than July 1, 1988. The program shall be continued for a period of 18 months. Within 3 months after the conclusion of this program, the Department of Environmental Regulation shall report to the Legislature on the results of the program.

(7)(10) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the board with acceptable proof of lack of comprehension of written examinations, the applicant may petition the board to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8)(11) Any public record of the board, when certified by the executive director of the board or his representative, may be received as prima facie evidence in any administrative or judicial proceeding.

(12) ~~The board shall, by January 1, 1988, adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Regulation shall review and comment on such rules prior to adoption.~~

Section 8. Subsections (2), (3), (4), and (5) of section 489.115, Florida Statutes, are amended to read:

489.115 Certification and registration; endorsement; renewals.—

(2) The board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111; or

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the license was issued. ~~adopt rules prescribing procedures for the certification or registration of contractors who have been licensed in states which have standards substantially similar to, or more stringent than, the standards of this state and who meet the other requirements established pursuant to this act.~~

(3)(a) Each certificateholder or registrant licensee who desires to continue as a certificateholder or registrant licensee shall renew his certificate and registration every 2 years. The department shall mail each certificateholder and registrant licensee an application for renewal.

(b) The certificateholder or registrant licensee shall complete, sign, and forward the renewal application to the department, together with the appropriate fee. Upon receipt of the application and fee, the department shall renew the certificate or registration.

(4) As a prerequisite to the initial issuance or the renewal of a certificate, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method. In addition to the affidavit of insurance, as a prerequisite to the initial issuance

of a certificate, and the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify. The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification. If, within 60 days from the date the applicant is notified that he has qualified, he does not provide the evidence required, he shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

(5) An initial applicant shall, along with his application, and a certificateholder or registrant licensee shall, upon requesting a change of status, submit to the board a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or certificateholder or registrant licensee. The credit report required for the initial applicant shall be considered the minimum evidence necessary to satisfy the board that he is financially responsible to be certified, that he has the necessary credit and business reputation to engage in contracting in the state, and that he has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct diversion of funds. The board shall, by rule, adopt guidelines for determination of financial stability.

Section 9. Subsections (4) and (5) of section 489.117, Florida Statutes, are amended to read:

489.117 Registration.—

(4) The application for a temporary registration license shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of contracting for which the temporary license was issued.

(5) A special registration shall be granted to a specialty contractor, as defined in subsection 489.105(12), ~~whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction~~, provided local licensing is required for that specialty phase of construction.

Section 10. Subsections (2), (3), (5), (6), and (7) of section 489.119, Florida Statutes, are amended to read:

489.119 Business organizations; qualifying agents.—

(2) If the applicant proposes to engage in contracting as a partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent; the application shall state the name of the partnership and of its partners, the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members; and the applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with board rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(3)(a) The qualifying agent shall be certified or registered under this part act in order for the business organization to be certified or registered in the category of the business conducted for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, he shall so inform the department. In addition, if such qualifying agent is the only certified or registered individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have a minimum of 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed.

(b) The qualifying agent shall inform the department in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he or such new business organization shall supply the same information to the department as required of applicants under this part act.

(c) Upon a favorable determination by the board, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without an examination, a new certificate or registration in the qualifying agent's name, and the name of the new business organization shall be noted thereon.

(5)(a) Each registered or certified contractor shall affix the number of his registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his Construction Industry Licensing Board registration or certification license number.

(b) The registration or certification number of each contractor shall appear in any newspaper, airwave transmission, phone directory, or other advertising medium used by that contractor.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration of a new business organization entity. If the qualifying agent for a business organization entity desires to qualify additional business organizations entities, the board shall require him to appear before it and present evidence of ability and financial responsibility of each such organization entity. The issuance of such certification or registration is discretionary with the board.

(7) If a business organization entity or any of its partners, officers, directors, trustees, or members is fined for violating s. 489.129(2), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization entity.

Section 11. Section 489.1195, Florida Statutes, is created to read:

489.1195 Responsibilities.—

(1) A qualifying agent is a primary qualifying agent unless he is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the board, by all qualifying agents for the business organization. The joint agreement must be submitted to the board for approval. If the board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his license was used to obtain the building permit; and
2. Any other work for which he accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate his status as such by giving actual notice to the business

organization, to the board, and to all secondary qualifying agents of his intention to terminate his status. His notice to the board must include proof satisfactory to the board that he has given the notice required in this paragraph. The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the board, whichever first occurs. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

(b) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for his predecessor's actions but is responsible, even after a change in status, for matters for which he was responsible while in a particular status.

Section 12. Section 489.121, Florida Statutes, is amended to read:

489.121 Emergency registration upon death of contractor.—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the board, within 30 days after the death of the contractor, of his name and address, his knowledge of the contract, and his ability to complete it. If the board approves, he may proceed with the contract. For purposes of this section, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death, or on which he was the low bidder and the contract is subsequently awarded to him, regardless of whether any actual work has commenced under the contract before his death.

Section 13. Section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(1) No person shall:

- (a) Falsely hold himself out as a certificateholder or registrant licensee;
- (b) Falsely impersonate a certificateholder or registrant licensee;
- (c) Present as his own the certificate or registration of another;
- (d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a certificate or registration;
- (e) Use or attempt to use a certificate or registration which has been suspended or revoked; or
- (f) Engage in the business or act in the capacity of a contractor or advertise himself as available to engage in the business or act in the capacity of a contractor without being duly registered or certified; or

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent.

(2) Any person who violates any of the provisions of subsection (1) ~~this part~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Each county or municipality may, at its option, designate one or more of its code inspectors, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of paragraph (1)(f), against persons who engage in activity for which certification or registration under this part is required.

(a) A code inspector designated pursuant to this subsection may issue a citation for any violation of paragraph (1)(f) whenever, based upon personal investigation, the officer has reasonable and probable grounds to believe that such a violation has occurred.

(b) A citation issued by a code inspector must be in a form prescribed by the local governing body of the county or municipality and must state the time and date of issuance, the name and address of the violator, the date of the violation, a description of the violation, the name of the code inspector, and the timeframe during which the person charged must appear in court if the citation is appealed.

(c) The act for which the citation is issued must be ceased upon receipt of the citation; and the person charged with the violation, or

other person designated in writing by the person charged, may, within 3 days, exclusive of weekends and legal holidays, submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board to challenge the validity of the citation, to show that the violation has been corrected, or to establish a time before which the violation must be corrected.

1. Hearings by the enforcement or licensing board shall be conducted pursuant to the requirements of ss. 162.07 and 162.08.

2. If the person charged, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the enforcement or licensing board, the enforcement or licensing board shall dismiss the citation. If the violation is corrected within the time set by the enforcement or licensing board for correction, the enforcement or licensing board shall dismiss the citation; but if the violation has not been corrected within that time, the provisions of paragraph (d) apply.

3. If the enforcement or licensing board determines that the violation is irreparable or irreversible in nature, the enforcement or licensing board shall impose a civil penalty pursuant to paragraph (e).

4. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.

(d)1. A person cited for a violation pursuant to this subsection is deemed to be charged with a noncriminal infraction and cited to appear in court, unless the citation is dismissed pursuant to the provisions of paragraph (c).

2. A person cited for a violation pursuant to this subsection may post a bond equal in amount to the applicable civil penalty established pursuant to paragraph (e) or sign and accept a citation indicating a promise to appear. If he refuses to post a bond or accept and sign the citation and does not submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board pursuant to the provisions of paragraph (c), he is in violation of this act and shall be punished in accordance with paragraph (e).

3. If a person cited for a violation pursuant to this subsection pays the applicable civil penalty established pursuant to paragraph (e) before the date he is to appear in court, he shall have the option to admit the commission of the infraction or to indicate that he does not wish to contest the citation. If such a person forfeits the bond he has posted by not appearing at the designated time and location, he is deemed to have admitted the commission of the infraction.

(e) The civil penalty required for the disposition of violations of this subsection shall be a fine not to exceed \$500. An enforcement or licensing board, upon notification by the code inspector that an order of the enforcement or licensing board has not been complied with by the set time or, upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine not to exceed \$250 for each day the violation continues past the date set for compliance or for each time the violation has been repeated, and a hearing shall not be necessary for issuance of the order. In determining the amount of the fine, if any, the enforcement or licensing board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(f) This subsection does not authorize or permit a code enforcement officer to perform any function or duty of a law enforcement officer other than a function or duty that is authorized in this subsection.

(g) The local governing body of the county or municipality may enact an ordinance establishing procedures for implementing this subsection.

(h) An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement or licensing board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement or licensing board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(i) All notices required by this subsection shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code inspector; or by leaving the notice at the violator's usual place of residence with some person of his family above 15 years of age and informing such person of the contents of the notice.

(j) For those counties which enact ordinances to implement this subsection and which have local construction licensing boards or local government code enforcement boards, the local construction licensing board or local government code enforcement board shall be responsible for the administration of such citation program and training of investigators. The local governing body of the county shall enter into interlocal agreements with any municipalities in the county so that such municipalities may by ordinance, resolution, policy, or administrative order, authorize individuals to enforce the provisions of this section. Such individuals shall be subject to the requirements of training as specified by the local construction licensing board.

~~(3) Any person who operates as a pollutant storage systems specialty contractor in violation of this part or any person who violates s. 489.113(9)(a) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 14. Section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may revoke, suspend, or deny the issuance or renewal of the certificate or registration of a contractor, ~~require financial restitution to a consumer, and impose an administrative fine not to exceed \$5,000, place a contractor on probation, require continuing education or reprimand or censure a contractor if the contractor, or if the business organization entity or any general partner, officer, director, trustee, or member of a business entity for which the contractor is a primary qualifying agent or is a secondary qualifying agent responsible under s. 489.1195, is found guilty of any of the following acts:~~

(a) ~~Obtaining Upon proof that~~ a certificate or registration ~~has been obtained by fraud or misrepresentation.~~

(b) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(c) ~~Violating Violation of~~ chapter 455.

(d) ~~Willfully or deliberately disregarding and violating Willful or deliberate disregard and violation of~~ the applicable building codes or laws of the state or of any municipalities or counties thereof.

(e) ~~Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered. Aiding or abetting any uncertified or unregistered person to evade any provision of this act.~~

(f) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his ~~one's~~ certificate or registration to be used by the ~~any~~ uncertified or unregistered person with intent to evade the provisions of this ~~part~~ act. When a certificateholder or registrant allows his certificate or registration to be used by one or more ~~business organizations companies~~ without having any active participation in the operations, management, or control of such ~~business organizations companies~~, such act constitutes prima facie evidence of an intent to evade the provisions of this ~~part~~ act.

(g) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this ~~part~~ act.

(h) ~~Committing Financial~~ mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to

pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 30 days after the date of such liens.

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned.

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(i) *Being disciplined* ~~Disciplinary action~~ by any municipality or county for an act or violation of this part, which discipline action shall be reviewed by the state board before the state board takes any disciplinary action of its own.

(j) *Failing* ~~Failure~~ in any material respect to comply with the provisions of this part act.

(k) *Abandoning* ~~Abandonment~~ of a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after 90 days if the contractor terminates the project without notification to the prospective owner and without just cause.

(l) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(m) *Being found* ~~Upon proof that the licensee is~~ guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice of contracting.

(n) *Proceeding on any job without obtaining applicable local building department permits and inspections.*

(2) If a contractor disciplined under subsection (1) is a qualifying agent for a business organization entity and the violation was performed in connection with a construction project undertaken by that business organization entity, the board may impose an additional administrative fine not to exceed \$5,000 against the business organization entity or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

(3) The board may specify by rule the acts or omissions which constitute violations of this section.

(4) *In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the board by rule. The department shall advise the hearing officer of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.*

(5) *The board may not reinstate the certification or registration of, or cause a certificate or registration to be issued to, a person who the board has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.*

Section 15. Section 489.131, Florida Statutes, is amended to read:

489.131 Applicability.—

(1) This part act applies to any contractor performing work for the state or any county or municipality. Officers of the state or any county or municipality shall determine compliance with this part act before awarding any contract for construction, improvement, remodeling, or repair.

(2) The state or any county or municipality shall may require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an

appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103, or the contractor is not domiciled in this state and can satisfactorily show that he will comply with s. 489.117(3).

(3) Nothing in this part act limits the power of a municipality or county:

(a) To regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which is designed to secure compliance with and aid in the implementation of state and local building laws.

(b) To enforce other laws for the protection of the public health and safety.

(c) To collect occupational license and inspection fees for engaging in contracting or examination fees from persons who are registered with the board pursuant to local examination requirements. However, nothing in this part act shall be construed to require general contractors, building contractors, or residential contractors to obtain additional occupational licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(d) To adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

(e) To require one a bond for each contractor contractors in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the applicable state minimum building code and applicable local building code requirements adopted pursuant to s. 553.73. Any such bond must be equally available to all contractors without regard to the period of time a contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Governor and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule. Any contractor who provides a third party insured warranty policy in connection with a new building or structure for the benefit of the purchaser or owner shall be exempt from the bond requirements under this subsection with respect to such building or structure.

(f) *To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation, or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license.*

(4) Nothing in this part act shall be construed to waive any requirement of any existing ordinance or resolution existing on October 1, 1979, of a board of county commissioners regulating the type of work required to be performed by a specialty contractor.

(5) Any official authorized to issue building or other related permits shall, before issuing a permit, ascertain that the applicant contractor is certified or is registered in the area where the construction is to take place.

(6)(a) Municipalities or counties may continue to provide examinations for their territorial area, provided that no examination is given to the holder of a certificate.:

(b)(a) To engage in contracting in the territorial area, an applicant shall also be registered with the board.;

(c)(b) Each local board or agency which licenses contractors transmits monthly annually during May to the board a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(3). the licensee; and

(e) ~~No examination is given the holder of a certificate.~~

(7) The right to create local boards in the future by any municipality or county is preserved.

(8) A Division I contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure. The term "structural component" is defined, for purposes of this subsection, to mean any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure. ~~No provision of this act shall be construed to permit a contractor to perform mechanical or plumbing work for which an examination for a certificate of competency or a license is required, unless such contractor holds such certificates of competency or such licenses as may be required by the appropriate local authority. If the appropriate local authority does not require a certificate of competency or a license for such trade, the provisions of this subsection do not apply.~~

Section 16. Section 489.133, Florida Statutes, is created to read:

489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—

(1) As used in this part:

(a) "Pollutant storage systems specialty contractor" means a contractor who installs or removes a pollutant storage tank.

(b) "Pollutant storage tank" means a tank, together with associated piping or dispensing facilities, which is or could be used for the storage or supply of pollutants as defined in s. 376.301 and which is required to be registered under chapter 17-61 of the Florida Administrative Code or for which notification must be submitted under Subtitle I of the Resource Conservation and Recovery Act.

(c) "Tank" means any container other than one which is above-ground and either elevated or situated upon an impermeable surface, or which is located in an accessible underground area and either elevated or situated upon an impermeable surface therein, in such manner that any leak in such container may be readily detected.

(d) "Registered precision tank tester" means any precision tank tester who has registered with the department pursuant to subsection (2). This registration shall be exempt from the provisions of prior municipality, county, or development district registration, as required under s. 489.117, and shall be registered on a statewide basis.

(2) The board shall adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Regulation shall review and comment on such rules prior to adoption.

(3) The board shall adopt rules providing standards for certification of pollutant storage systems specialty contractors and, by July 1, 1988, amend such rules to include persons who remove such systems. The board shall provide the proposed rules to the Department of Environmental Regulation for review and comment prior to adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the board.

(d) Requirements for certification without examination of pollutant storage systems specialty contractors for any certified mechanical contractor, any certified plumbing contractor, and any registered mechanical or plumbing contractor who has passed a local examination judged by the board to be at least as stringent as the equivalent state mechanical or plumbing contractor's examination, provided that such contractor has been certified prior to July 1, 1986, or has been registered and passed such local examination prior to July 1, 1986.

(e) Requirements for certification by practical examination, demonstrating the ability to competently install or remove pollutant storage tanks, of pollutant storage systems specialty contractors for any person who has received a temporary certificate under paragraph (4)(a) and has operated as a pollutant storage systems specialty contractor since September 1, 1981, provided that such person pays for the actual cost of the practical examination.

The board may use standards and examinations of national organizations if such standards and examinations are adequate to ensure competent installation and removal of pollutant storage tanks. All such standards and examinations shall be designed to ensure that leaks and other discharges are eliminated to the greatest extent possible.

(4)(a) Any person who has operated as a pollutant storage systems specialty contractor during the 5 years preceding September 1, 1986, shall receive within 30 days after written request a temporary certificate permitting such person to continue operating without certification until July 1, 1989, if such person:

1. Notifies the department in writing that he intends to continue such operation and submits an application fee set by the board not to exceed \$50

2. Provides a history of successful operation as a pollutant storage systems specialty contractor within such time period.

(b) A contractor seeking to be certified pursuant to paragraph (3)(d) shall receive within 30 days after written request a temporary certificate permitting such contractor to continue operating without certification until the board determines whether he qualifies for a certificate under paragraph (3)(d), provided that such contractor:

1. Notifies the department in writing that he intends to apply for certification under paragraph (3)(d).

2. Provides the board sufficient information to determine that such contractor qualifies on the basis of certification or registration and the passage of an examination.

The board may revoke or refuse to issue such temporary certificate for violation of s. 489.127 or s. 489.129.

(5)(a) Notwithstanding any provision of this part to the contrary, no person shall engage in contracting as a pollutant storage systems specialty contractor unless such person is certified as a pollutant storage systems specialty contractor pursuant to this part, nor shall any official authorized to issue building or other related permits issue a permit or permits for the installation or removal of a pollutant storage tank unless such official ascertains that the applicant for such permit or permits is certified as a pollutant storage systems specialty contractor.

(b) Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(6) Any person who operates as a pollutant storage systems specialty contractor in violation of this section or any person who violates subsection (5) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Subsection (3) is added to section 376.303, Florida Statutes, to read:

376.303 Powers and duties of the Department of Environmental Regulation.—

(3)(a) The department may inspect the installation of any pollutant storage tank. Any person installing a pollutant storage tank, as defined in s. 489.133, shall certify that such installation is in accordance with the standards adopted pursuant to this section. The department shall promulgate a form for such certification which shall at a minimum include:

1. A signed statement by the certified pollutant storage systems specialty contractor, as defined in s. 489.133, that such installation is in accordance with standards adopted pursuant to this section; and

2. Signed statements by the onsite persons performing or supervising the installation of a pollutant storage tank, which statements shall be required of tasks that are necessary for the proper installation of such tank.

(b)1. The department shall, to the greatest extent possible, contract with local governments to provide for the administration of its responsibilities under this subsection. Such contracts may allow for administration outside the jurisdictional boundaries of a local government. However, no such contract shall be entered into unless the local government is deemed capable of carrying out such responsibilities to the satisfaction of the department.

2. To this end, the department shall inform local governments as to the provisions of this section and as to their options hereunder. At its option, any local government may apply to the department for such purpose, on forms to be provided by the department, and shall supply such information as the department may require.

(c) The department may enjoin the installation or use of any pollutant storage tank that has been or is being installed in violation of this section or of s. 489.133.

(d) The department shall establish a pilot program providing for inspections of pollutant storage tanks in a county of less than 300,000 population. The department shall adopt rules providing for such inspection program, which rules shall provide for an inspection prior to placing a pollutant storage tank in the excavation, an inspection after assembly but before connection to the tank, and an inspection prior to placing the pollutant storage tank in service. All such inspections shall be conducted pursuant to the standards adopted under this section. Inspection fees shall be set by rule and shall not exceed \$200 per pollutant storage tank, which fees shall fund the inspection program. The department may contract, pursuant to paragraph (b), with the county government to perform such inspections, in which case the county government shall receive the inspection fees to fund the program. The county government shall make application to the department for the administration of the program. If more than one county government applies, the department shall determine which county is most capable of administering the program and may contract with that county. If no county of less than 300,000 population applies to administer the program by September 1, 1987, all counties in the state shall be eligible to administer the program, regardless of population. The county government shall not require any additional inspections, except for electrical inspections, of a pollutant storage tank installed during the term of the pilot inspection program. Such program shall be established within 30 days after execution of a contract with a county or, if no county applies by December 1, 1987, within 30 days after the date on which the department designates the county in which it will administer the program, but in any event no later than July 1, 1988. The program shall be continued for a period of 18 months. Within 3 months after the conclusion of this program, the department shall report to the Legislature on the results of the program.

Section 18. (1) The Secretary of the Department of Professional Regulation shall appoint a committee to consider the basis and validity of complaints by consumers against persons who are engaged in the practice of contracting regulated under part I of chapter 489, Florida Statutes. The committee shall focus on complaints involving:

- (a) Homestead property.
- (b) Actual financial harm to the person.
- (c) Statutory violations of part I of chapter 489, Florida Statutes, or of county or municipal practice acts, or unlicensed activity.
- (2) The following persons shall be invited to serve on the committee:
 - (a) The Director of the Division of Consumer Services in the Department of Agriculture and Consumer Services or his designee.
 - (b) A member of the Construction Industry Licensing Board who is certified under part I of chapter 489, Florida Statutes.
 - (c) Two local building officials suggested by the Building Officials Association of Florida.
 - (d) The secretary or his designee.
 - (e) A certified Division I contractor who is primarily engaged in the construction of residential property.
 - (f) A consumer who is not certified or registered under part I of chapter 489, Florida Statutes, and has no ongoing financial interests with any person who is so certified or registered.
 - (g) A person suggested by the Florida League of Cities.

(3) Members of the committee shall serve without compensation, but shall be entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, Florida Statutes.

(4) Notwithstanding the provisions of s. 489.109(7), Florida Statutes, the committee shall be funded during the 1988-1989 fiscal year in the amount appropriated by the Legislature up to \$75,000 from the additional \$4 fee paid at the time of each contractor's biennial renewal of his certification or registration.

(5) On or before March 1, 1989, the secretary shall submit the committee's final findings and recommendations to the Legislature.

(6) This section shall take effect July 1, 1988, or upon this act becoming a law, whichever occurs later.

Section 19. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, part I of chapter 489, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 20. Part I of chapter 489, Florida Statutes, is repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 21. Section 489.5331, Florida Statutes, is renumbered as section 768.0425, Florida Statutes, and amended to read:

768.0425 Damages in actions against contractors for injuries sustained from negligence, malfeasance, or misfeasance.— ~~489.5331—Civil remedies.—~~

(1) For purposes of this section only, the term "contractor" means any person who contracts to perform any construction or building service which is regulated by any state or local law, including, but not limited to, this chapter 489 and chapter 633; and the term "consumer" means a person who contracts for the performance of any construction or building service which is regulated by any state or local law, including, but not limited to, chapters 489 and 633.

(2) In any action against a contractor for injuries sustained resulting from the contractor's negligence, malfeasance, or misfeasance, the consumer shall be entitled to three times the actual compensatory damages sustained in addition to costs and attorney's fees if the contractor is neither certified as a contractor by the state nor licensed as a contractor pursuant to the laws of the municipality or county within which he is conducting business.

Section 22. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, s. 768.0425, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.

Section 23. There is hereby appropriated to the Department of Professional Regulation from the Professional Regulation Trust Fund for the fiscal year 1988-1989 the sum of \$28,050 for the purpose of conducting the study provided for in section 20 of this act.

Section 24. Except as otherwise provided herein, this act shall take effect October 1, 1988.

House Amendment 1 to House Amendment 1—On page 60, line 28, insert:

Section 18. Subsection (3) of section 376.317, Florida Statutes, is amended to read:

376.317 Superseded laws; state preemption.—

(3) A county government is authorized to adopt countywide ordinances that regulate underground storage tanks, as described herein, which ordinances are more stringent or extensive than any state law or rule regulating such tanks, provided:

(a) The original ordinance was ~~legally~~ adopted by the county and filed with the Secretary of State before July 1, 1987 ~~and in force before September 1, 1984; or~~

(b) The ordinance establishing the local program was approved by the department.

The department is authorized to adopt rules that permit any county government to establish, in accordance with s. 403.182, a program regulating underground storage tanks, which program is more stringent or extensive than that established by any state law or rule regulating underground storage tanks. The department shall approve or deny a request by a county for approval of an ordinance establishing such a program according to the procedures and time limits of s. 120.60. When adopting the rules, the department shall consider local conditions that warrant such more stringent or extensive regulation of underground storage tanks, including, but not limited to, the proximity of a county to a sole or single-source aquifer, the potential threat to the public water supply because of the proximity of underground storage tanks to public wells or ground water, or the detection of petroleum products in public or private water supplies.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 1, through page 2, line 27, strike all of said language and insert: An act relating to the construction industry; amending s. 489.101, F.S.; providing purpose; amending s. 489.103, F.S.; providing for exemptions; amending s. 489.105, F.S.; providing definitions; amending s. 489.107, F.S.; providing for the membership, quorums, and probable cause panels of the Construction Industry Licensing Board; amending s. 489.109, F.S.; providing for renewals and fees; amending s. 489.111, F.S.; providing for examinations; amending s. 489.113, F.S.; providing an enforcement mechanism with respect to persons engaged in contracting who are not certified or registered; amending s. 489.115, F.S.; providing for certification by endorsement; amending s. 489.117, F.S.; providing for issuance and renewal of certificates and registrations; amending s. 489.119, F.S.; providing procedures for the certification or registration of business organizations; creating s. 489.1195, F.S.; providing responsibilities of primary and secondary qualifying agents; amending s. 489.121, F.S.; relating to emergency registration; amending s. 489.127, F.S.; prohibiting certain acts and prescribing civil penalties; allowing counties and municipalities to issue noncriminal citations to unlicensed persons; prescribing procedures; amending s. 489.129, F.S.; prohibiting certain acts and providing penalties therefor; prescribing powers and procedures relating to disciplinary penalties; amending s. 489.131, F.S.; relating to government bids; prescribing powers and duties of municipalities and counties; limiting the construction of structural components; creating s. 489.133, F.S.; relating to pollutant storage systems specialty contractors; providing definitions; providing for rules; providing for certification by practical examination of certain persons; providing for temporary certificates; providing prohibitions; providing a penalty; amending s. 376.303, F.S.; providing for powers and duties of the Department of Environmental Regulation with respect to pollutant storage tanks; requiring the department to establish a committee and to report to the Legislature on consumer complaints; providing for the funding of said committee; saving part 1 of chapter 489, F.S., from Sunset repeal; providing for future review and repeal; amending and renumbering s. 489.5331, F.S.; transferring provisions related to damages in actions against contractors for certain injuries; saving said section from Sunset repeal; providing an appropriation; providing an effective date.

House Amendment 2 to House Amendment 2—On page 2, line 16, after "tanks;" insert: amending s. 376.317, F.S.; providing adoption requirements for original ordinance;

Senator Thurman moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 63, strike lines 25 and 26, and insert:

Section 24. Paragraph (a) of subsection (1) of section 376.303, Florida Statutes, is amended to read:

376.303 Powers and duties of the Department of Environmental Regulation.—

(1) The department has the power and the duty to:

(a)1. Establish rules, including, but not limited to, construction standards, permitting or registration of tanks, maintenance and installation standards, and removal or disposal standards, to implement the intent of ss. 376.30-376.319 and to regulate underground and above-ground facilities and their onsite integral piping systems not covered by ss. 376.011-376.21 or by chapter 377. Stationary tanks with storage capac-

ities of 550 gallons or less at nonresidential locations that contain pollutants shall, by December 31, 1987, be required to be registered. The department shall develop a compliance verification program for chapter 17-61, Florida Administrative Code, which may include investigations or inspections to locate improperly abandoned tanks and which shall be implemented upon termination of the Early Detection Incentive Program established under s. 376.3071(9) or December 31, 1987, whichever is earlier.

2. Undertake a notification program for those underground tanks which are excluded from the definition of "facility" as set forth in s. 376.301(4) solely by virtue of having a storage capacity of 550 gallons or less, and are not otherwise required to be registered, in order that such tanks may be located. Pursuant thereto, the department shall develop postcard notification forms, which shall elicit the following information: the tank owner's name and current address; whether such person owns a storage tank or tanks which are totally or partially underground and which are being used, are intended to be used, or have been used for the storage or supply of any petroleum product; the number of such tanks owned; the number in active use; and the general location of each such tank. Multiple copies of this form shall be mailed to every distributor and marketer of petroleum products in this state, who shall make such form available to his customers whenever such person has reason to believe the customer owns such a tank or tanks. In addition, the department shall make such forms available to interested persons upon request. Any person who completes and returns such form before *December 31 October 1, 1988*, may be eligible to participate in the Early Detection Incentive Program under s. 376.3071(9).

Section 25. Paragraphs (g) and (h) of subsection (4) of section 376.3071, Florida Statutes, are amended, paragraph (i) is added to said subsection, and paragraph (a) of subsection (5), subsection (9), and paragraphs (b) and (c) of subsection (12) of said section are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(4) USES.—Whenever, in its determination, incidents of inland contamination related to the storage of petroleum or petroleum products may pose a threat to the environment or the public health, safety, or welfare, the department shall obligate moneys available in the fund to provide for:

(g) Payment of any other reasonable costs of administration, including those administrative costs incurred by the Department of Health and Rehabilitative Services in providing field and laboratory services, toxicological risk assessment, and other assistance to the department in the investigation of drinking water contamination complaints; ~~and~~

(h) Establishment of the compliance verification program as authorized in s. 376.303(1)(a)1. to minimize the potential for further contamination sites; ~~and~~

(i) *Funding of the provisions of s. 376.3072.*

(5) SITE SELECTION AND CLEANUP CRITERIA.—

(a) The department shall establish criteria by rule for the purpose of prioritizing contamination sites based upon factors that include, but need not be limited to:

1. The degree to which human health, safety, or welfare may be affected by exposure to the contamination;

2. The size of the population or area affected by the contamination;

3. The present and future uses of the affected aquifer or surface waters, with particular consideration as to the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water; ~~and~~

4. The effect of the contamination on the environment; ~~and~~

5. *The amount of contamination cleanup tasks that an owner or operator will complete.*

Moneys in the fund shall then be obligated for activities described in paragraphs (4)(a)-(e) at individual sites in accordance with such established criteria. However, nothing in this paragraph shall be construed to restrict the department from modifying the priority status of a rehabilitation site where conditions warrant.

(9) **EARLY DETECTION INCENTIVE PROGRAM.**—To encourage early detection, reporting, and cleanup of contamination from leaking petroleum storage systems, the department shall, within the guidelines established in this subsection, conduct an incentive program which shall provide for a 30-month ~~27-month~~ grace period ending on *December 31 October 1, 1988*. Pursuant thereto:

(a) The department shall establish reasonable requirements for the written reporting of petroleum contamination incidents and shall distribute forms to registrants under s. 376.303(1)(b) and to other interested parties upon request to be used for such purpose. Until such forms are available for distribution, the department shall take reports of such incidents, however made, but shall notify any person making such a report that a complete written report of the incident will be required by the department at a later time, the form for which will be provided by the department.

(b) When reporting forms become available for distribution, all sites involving incidents of contamination from petroleum storage systems initially reported to the department at any time from midnight on June 30, 1986, to midnight on *December 31 October 1, 1988*, shall be qualified sites, provided that such a complete written report is filed with respect thereto within a reasonable time. Subject to the delays which may occur as a result of the prioritization of sites under paragraph (5)(a) for any qualified site, costs for activities described in paragraphs (4)(a)-(e) shall be absorbed at the expense of the fund, without recourse to reimbursement or recovery, with the following exceptions:

1. The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

2. The provisions of this subsection shall not be construed to authorize or require reimbursement from the fund for costs expended prior to the beginning of the grace period, except as provided in subsection (12).

3. Upon discovery by the department that the owner or operator of a petroleum storage system has been grossly negligent in the maintenance of such petroleum storage system; has, with willful intent to conceal the existence of a serious discharge, falsified inventory or reconciliation records maintained with respect to the site at which such system is located; or has intentionally damaged such petroleum storage system, the site at which such system is located shall be ineligible for participation in the incentive program and the owner shall be liable for all costs due to discharges from petroleum storage systems at that site, any other provisions of chapter 86-159, Laws of Florida, to the contrary notwithstanding. For the purposes of this paragraph, willful failure to maintain inventory and reconciliation records, willful failure to make monthly monitoring system checks where such systems are in place, and failure to meet monitoring and retrofitting requirements within the schedules established under chapter 17-61, Florida Administrative Code, or violation of similar rules adopted by the Department of Natural Resources under this chapter, shall be construed to be gross negligence in the maintenance of a petroleum storage system.

If, in order to avoid prolonged delay, the department in its discretion deems it necessary to expend sums from the fund to cover ineligible sites or costs as set forth in this paragraph, the department may do so and seek recovery and reimbursement therefor in the same manner and in accordance with the same procedures as are established for recovery and reimbursement of sums otherwise owed to or expended from the fund.

(c) No report of a discharge made to the department by any person in accordance with this subsection, or any rules promulgated pursuant hereto, shall be used directly as evidence of liability for such discharge in any civil or criminal trial arising out of the discharge.

(d) The provisions of this subsection shall not apply to petroleum storage systems owned or operated by the Federal Government.

(12) REIMBURSEMENT FOR CLEANUP EXPENSES.—

(b) **Entitlement; conditions.**—To accomplish this purpose, for sites initially reported on or prior to midnight on *December 31 October 1, 1988*, any person conducting site rehabilitation under this subsection, either through his own personnel or through responsible response action contractors or subcontractors, shall be entitled to reimbursement from the fund at reasonable rates for allowable costs incurred on or after January 1, 1985, in connection with such site rehabilitation, subject to the following conditions:

1. Nothing in this subsection shall be construed to authorize reimbursement of any person or for any site excluded from participation in the Early Detection Incentive Program under subparagraph 1. or subparagraph 3. of paragraph (9)(b) or paragraph (9)(d).

2. The provisions of this subsection shall not apply to any site initially reported prior to July 1, 1986, where the department has initiated an administrative or civil enforcement action with respect to such site, unless the responsible party has, prior to July 1, 1986, undertaken, and made a reasonable effort to carry out, one or more of the following remedial actions at the site:

- a. Product recovery;
- b. Groundwater restoration; or
- c. Soil removal.

3. Reimbursement under this subsection shall not be considered a state contract and shall not be subject to the provisions of chapter 287.

4. Site rehabilitation shall be completed in accordance with cleanup criteria established by the department pursuant to paragraph (5)(b).

5. Procedural requirements of this subsection shall have been met.

(c) **Procedure to initiate and conduct site rehabilitation.**—Any person initiating site rehabilitation pursuant to this section between January 1, 1985, and *December 31 October 1, 1988*, who intends to file for reimbursement shall submit written notice of such intent to the department prior to midnight on *December 31 October 1, 1988*, together with documentation of site conditions prior to initiation of cleanup.

Within 60 days after receipt of such notice and sufficient documentation of site conditions prior to initiation of cleanup, the department shall determine whether the person is ineligible to apply for reimbursement under subparagraph (b)1. or subparagraph (b)2. and shall notify the applicant as to his eligibility in writing.

Section 26. Section 376.3072, Florida Statutes, is created to read:

376.3072 Florida Petroleum Liability Insurance Program.—

(1) **PROGRAM OF INSURANCE.**—There is hereby created the Florida Petroleum Liability Insurance Program to be administered by the Department of Environmental Regulation. The department shall establish the Florida Liability Insurance Program on or before January 1, 1989. The program must provide third-party liability insurance to qualified program participants for incidents of inland contamination related to the storage of petroleum products and must provide restoration for eligible sites of participants in the liability insurance program or sites of owners or operators who are eligible for self-insurance under the provisions of this section. The program may not participate in the Florida Insurance Guaranty Association. Chapter 624 does not apply to the program. The program shall not be prohibited from recovering indemnities and expenses which are covered by the Florida Insurance Guaranty Association pursuant to coverage purchased by the program from a participating insurer.

(2) **SCOPE AND TYPE OF COVERAGE.**—The Florida Petroleum Liability Insurance Program must provide up to \$1 million of liability insurance for each incident of inland contamination related to the storage of petroleum and petroleum products. The program shall have a \$500 deductible for third-party insurance to be paid by the insured for the first two premium years. The department shall adopt a deductible schedule for the remainder of the program that shall not exceed \$25,000 per year to be paid by the insured. The department shall issue policies to eligible owners and operators. In order to implement the restoration program, the department may contract with an insurance company, a reinsurance company, or an insurance consultant to issue policies, to verify compliance with this section, to determine reasonable rates for allowable costs, and to manage response action contractors. The purchase of the insurance services is not subject to chapter 287. An eligible site at which a discharge has occurred must be restored if the owner or operator of the site is a participant in the liability insurance program. The cost of restoration will be paid through the Inland Protection Trust Fund. The restoration must be conducted using the criteria and procedures established pursuant to s. 376.3071. The cost of restoration is limited to \$1 million. The restoration is subject to the same deductible scale as the liability insurance program. The \$1-million amount is a limitation and is meant to apply in the aggregate for all restoration costs or third-party claims arising from any one incident or occurrence. For purposes of this section, the term:

(a) "Restoration" means rehabilitation of contaminated sites both on and off the property of the owner or operator of the petroleum storage system, and shall consist of investigation and assessment, cleanup of affected soil, groundwater and surface water in accordance with the site selection and cleanup criteria established by the department pursuant to s. 376.3071(5), and maintenance and monitoring of the contaminated sites. The term "restoration" also means the expeditious rehabilitation or replacement of potable water supplies as provided in s. 376.30(3)(c)1. The term "restoration" does not mean cost which may be associated with site rehabilitation, such as the cost of compliance with rules relating to stationary tanks adopted pursuant to s. 376.303.

(b) "Third-party liability" means the insured's liability, other than for restoration costs, for bodily injury or property damage caused by an incident of inland contamination related to the storage of petroleum or petroleum product.

(c) "Incident" means an accident, including continuous or repeated exposure to conditions, which is neither expected nor intended from the standpoint of the insured, and which results in third-party liability or in site conditions requiring restoration.

(3)(a) **ELIGIBILITY FOR PARTICIPATION.**—Any owner or operator of a petroleum storage system, as defined in s. 376.301, who is subject to and in compliance with this chapter and the rules relating to stationary tanks adopted pursuant to s. 376.303 with respect to a particular location, as determined by the department, is eligible to participate in the Florida Petroleum Liability Insurance Program for that location. For purposes of this section, any owner or operator of a stationary storage tank that has a storage capacity of 550 gallons or less who otherwise meets the requirements adopted by the department under the rules relating to stationary tanks adopted pursuant to s. 376.303 is eligible to participate in the program. In order to participate in the program, an owner or operator must file an affidavit with the department, which affidavit states that the owner or operator has read and is familiar with this chapter and the rules relating to stationary tanks adopted pursuant to s. 376.303 and that his facility is in compliance with this chapter and the rules adopted pursuant to s. 376.303. The owner or operator must file the affidavit upon enrollment in the program and must file an affidavit each year upon the scheduled date of payment of the annual registration fee assessed pursuant to s. 376.303; or, upon the date of installation of the facility or enrollment in the program and each year thereafter, if the facility is a petroleum storage system that is not subject to the registration fee. The department may require an owner or operator to submit documentation that is certified as true and correct to verify compliance with this section.

(b) The failure of any owner or operator of a petroleum storage system to maintain compliance with this chapter and rules relating to stationary tanks adopted pursuant to s. 376.303 at any location will result in the cancellation of liability insurance provided through the program for that location. For purposes of this paragraph, the department may, in its discretion, waive minor violations of this chapter or of rules adopted pursuant to s. 376.303, including, without limitation, violations of provisions relating to the form of inventory or reconciliation records or violations of registration requirements.

(c) The following owners or operators are not eligible to participate in the restoration program:

1. The Federal Government;
2. The owner or operator of a site upon which discharge is discovered prior to January 1, 1989; and
3. The owner or operator of a facility where the department has been denied site access.

(4) **PREMIUMS FOR PARTICIPATION.**—

(a) The department may collect premiums for funding the Petroleum Liability Insurance Account of the Inland Protection Trust Fund from the owner or operator of any petroleum storage system participating in the program.

(b) The premium for each tank, for an owner or operator of a petroleum storage system at a location at which the requirements of rules relating to stationary tanks adopted pursuant to s. 376.303 have been fully implemented and which is in compliance with all monitoring, control, and reporting requirements, will be in an amount determined by the department and approved by the Department of Insurance.

(c) The premium for each tank, for an owner or operator at any location where the replacement or retrofit requirements of chapter 17-61 of the Florida Administrative Code are being met within the schedules established therein and all monitoring and reporting requirements are being complied with to the satisfaction of the department, will be in an amount determined by the department and approved by the Department of Insurance.

(d) The premium for each tank, for an owner or operator of a storage tank having a storage capacity of 550 gallons or less who is required to register the tank pursuant to s. 376.303, will be in an amount determined by the department and approved by the Department of Insurance if the owner or operator is in compliance with the criteria established by the department for such tanks.

(e) The department may establish reduced premiums as approved by the Department of Insurance for owners or operators of storage tanks who operate many facilities each of which are in compliance with this chapter and the rules relating to stationary tanks adopted pursuant to s. 376.303.

(f) The department may establish reduced premiums as approved by the Department of Insurance for owners or operators of storage tanks, based upon the relative degree of effectiveness of the storage tanks for protecting the environment.

(g) The department shall use the revenues derived from collection of the excise tax imposed pursuant to s. 206.9935(3) and the revenues derived from collection of the tank registration fees imposed pursuant to s. 376.303(1)(b) in order to provide the restoration provided under the Florida Petroleum Liability Insurance Program. An owner or operator of a petroleum storage system who elects to conduct site restoration is eligible for reimbursement at a reasonable rate for allowable expenses in accordance with the rule relating to reimbursement adopted pursuant to s. 376.303 and s. 376.3071. The payment of reimbursement claims must be in accordance with the rule relating to the priority of the payment of reimbursement adopted pursuant to s. 376.3071(5).

(h) The department shall use the premiums charged pursuant to this section and collected from the owners or operators of petroleum storage systems in order to provide, in an actuarially sound manner, pursuant to s. 627.062, the third-party liability insurance coverage under the Florida Petroleum Liability Insurance Program, to assure that owners and operators who are in compliance with state environmental requirements have the opportunity to obtain petroleum liability insurance.

(5) **PARTICIPANT'S LIABILITY FOR THIRD-PARTY LIABILITY INSURANCE COVERAGE.**—

(a) The liability of each participant for the obligations of the Florida Petroleum Liability Insurance Program emanating from third-party liability shall be individual, several, and proportionate, but not joint, except as provided in this section.

(b) Each policy issued by the Florida Petroleum Liability Insurance Program shall contain a statement of the contingent liability. Both the application for insurance and the policy shall contain, in contrasting color and in not less than 10-point type, the following statements: "This is a fully assessable policy. In the event the Florida Petroleum Liability Insurance Program is unable to pay its obligations, policyholders will be required to contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

(c) The Florida Petroleum Liability Insurance Program may assess from time to time policyholders, covered for third-party liability, liable therefor under the terms of their policies and pursuant to this section, or the department may assess the policyholders in the event of liquidation of the Florida Petroleum Liability Insurance Program.

(d) Each policyholder's share of a deficiency for which an assessment is made shall be computed by applying to the premium earned on the participant's policy or policies during the period to be covered by the assessment the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment. In the event one or more policyholders fail to pay an assessment, the other policyholders are liable on a proportionate basis for an additional assessment. The Florida Petroleum Liability Insurance Program, acting on behalf of all policyholders who paid the additional assessment, shall institute legal action when necessary and appropriate to recover the assessment from policyholders who failed to pay it.

(e) In computing the earned premiums for the purposes of this section, the gross premium received by the Florida Petroleum Liability Insurance Program for the policy shall be used as a base, deducting therefrom solely charges not recurring upon the renewal or extension of the policy. This paragraph does not apply if the department contracts for liabilities pursuant to subsection (8).

(f) No policyholder shall have an offset against any assessment for which he is liable on account of any claim for unearned premium or losses payable.

(6) **SELF INSURANCE.**—Any owner or operator of a petroleum storage system may elect not to participate in the Florida Petroleum Liability Insurance Program for third-party liability coverage if he demonstrates to the satisfaction of the department or its designee sufficient financial responsibility for such liabilities or if he meets United States Environmental Protection Agency tests for financial responsibility. An owner or operator who elects not to participate in the third-party liability coverage of the program is eligible for restoration insurance coverage under the program, if, prior to the occurrence of a discharge, a demonstration is made that the owner or operator is otherwise qualified.

(7) **DISPOSITION OF PREMIUMS.**—

(a) All premiums collected by the department or its designee from participating owners and operators pursuant to this section must be deposited into the Liability Insurance Account of the Inland Protection Trust Fund to be used for the Florida Petroleum Liability Insurance Program. However, if the department contracts for services pursuant to subsection (8), the department shall use the premiums to pay contract fees and deposit the remainder of the premiums into the Liability Insurance Account of the Inland Protection Trust Fund.

(b) The Liability Insurance Account of the Inland Protection Trust Fund must be maintained separately from the portion of the fund used for the purposes established in s. 376.3071(4)(a)-(h). The Liability Insurance Account may not be included as a part of the obligated or unobligated balance of the Inland Protection Trust Fund and must in all respects remain separate from that portion of the fund. A person may not execute against any portion of the Inland Protection Trust Fund or against the department, if the program has insufficient funds to pay any claim.

(8) **PURCHASE OF SERVICES AND REINSURING LIABILITIES.**—The department is authorized to purchase from an insurance company, a reinsurance company, or an insurance consultant such insurance management or underwriting services, including, but not limited to, risk and claims control and legal defense investigation and adjustment services, as may be required to establish and maintain the third-party liability coverage of the Florida Petroleum Liability Insurance Program. The department may reinsure liabilities arising from third-party coverage with an insurance company, reinsurance company or through a reinsurance broker. This transaction is subject to approval by the Department of Insurance. The purchase of such insurance and management services is not subject to chapter 287.

(9) **REPORTING OF THIRD-PARTY LIABILITY CLAIMS.**—All third-party liability claims related to a discharge of petroleum products by a qualified participant in the program must be filed with the secretary of the department or his designee.

(10) **RULES.**—

(a) The department shall adopt rules for the proper management and maintenance of the Florida Petroleum Liability Insurance Program. In setting premium rates, the department shall receive the approval of the Department of Insurance.

(b) The Department of Insurance shall offer assistance as requested by the Department of Environmental Regulation in the development of necessary rules to implement the program.

(c) The department shall establish criteria for stationary storage tanks that have storage capacities of 550 gallons or less, that are required to be registered pursuant to s. 376.303, and that are not agricultural tanks. Compliance with such criteria is not required, except for participation in the Florida Petroleum Liability Insurance Program. On and after September 1, 1989, an underground tank having a storage capacity of 550 gallons or less may not be installed unless it is required by the State Fire Marshal or it is protected against corrosion.

(11) **DIVIDENDS.**—The Florida Petroleum Liability Insurance Program shall obtain the approval of the Department of Insurance prior to paying any dividend or refund to its policyholders. No such dividend or refund may be approved until 12 months after the last day of the fiscal year for which the dividend or refund is payable, or such later time as the insurance department may require in accordance with sound actuarial principles.

Section 27. Subsection (1) of section 376.3073, Florida Statutes, is amended to read:

376.3073 Local programs for control of contamination.—

(1) The department shall, to the greatest extent possible, contract with local governments to provide for the administration of its departmental responsibilities under ss. 376.3071(4)(a)-(e), and (h), 376.3072, and 376.3077 through locally administered programs. However, no such contract shall be entered into unless the local government is deemed capable of carrying out such responsibilities to the department's satisfaction.

Section 28. Section 526.3055, Florida Statutes, is transferred, renumbered as section 376.3077, Florida Statutes, and amended to read:

376.3077 ~~526.3055~~ Unlawful to deposit motor fuel in tank required to be registered, without proof of registration display.—It is unlawful for any person engaged in commerce in this state to sell any motor fuel and pump or otherwise deposit such motor fuel into a tank required to be registered under s. 376.303 unless proof of valid registration is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. *The Department of Environmental Regulation shall enforce the provisions of this section pursuant to this chapter. The department may enter into an interagency agreement with the Department of Agriculture and Consumer Services to enforce the provisions of this section.*

Section 29. Subsection (3) of section 376.317, Florida Statutes, is amended to read:

376.317 Superseded laws; state preemption.—

(3) A county government is authorized to adopt countywide ordinances that regulate underground storage tanks, as described herein, which ordinances are *the same as or more stringent or extensive than any state law or rule regulating such tanks*, provided:

(a) The original ordinance was legally adopted and in force before September 1, 1984; or

(b) The ordinance establishing a *more stringent or extensive* ~~the~~ local program ~~is was~~ approved by the department pursuant to subsection (4) ~~after the county demonstrates to the department that it has effectively administered the state law or rules for a period of 2 years prior to filing a petition for approval. However, any county which has sought approval of a local tank program from the department prior to January 1, 1988, shall not be required to demonstrate that it has effectively administered the state program for any minimum period.~~

(c) *The department shall either approve or disapprove a request for a compliance verification program authorized pursuant to s. 376.3073 within 90 days after receipt of the application. If the local government has adopted the department's stationary tank rule or a more stringent or extensive local tank program pursuant to this section, the department shall also approve or disapprove a request for delegation of enforcement responsibilities within 90 days after receipt of the application. If approved, the department shall provide full funding to carry out the delegated compliance and enforcement responsibilities. The department may not disapprove an application due to the population size of a county and may delegate compliance verification and enforcement to those local governments who agree to enforce the state's program jointly.*

(4) The department is authorized to adopt rules that permit any county government to establish, in accordance with s. 403.182, a program regulating underground storage tanks, which program is more stringent or extensive than that established by any state law or rule regulating underground storage tanks. The department shall approve or deny a request by a county for approval of an ordinance establishing such a program according to the procedures and time limits of s. 120.60. When adopting the rules, the department shall consider local conditions that warrant such more stringent or extensive regulation of underground stor-

age tanks, including, but not limited to, the proximity of the county to a sole or single-source aquifer, the potential threat to the public water supply because of the proximity of underground storage tanks to public wells or ground water, or the detection of petroleum products in public or private water supplies.

Section 30. Section 376.319, Florida Statutes, is amended to read:

376.319 Response action contractors; indemnification.—

(1) The department may agree to hold harmless and indemnify a response action contractor who has a written contract with the department, or who has a written contract with a local government which has contracted with the department to administer a program pursuant to chapter 86-159, Laws of Florida, for any civil damages to third parties:

(a) That result from the acts or omissions of the response action contractor in carrying out a response action; and

(b) That are caused by a discharge or release of a hazardous substance, pollutant, or other contaminant from a site upon which the response action is being carried out.

(2) The department, in determining whether or not to enter into hold-harmless and indemnification agreements, shall consider:

(a) The availability of cost-effective insurance;

(b) The immediate need for the response action;

(c) The availability of qualified response action contractors; and

(d) Restricting the applicability of such agreements to exclude gross negligence or intentional conduct.

(3) Any payment or cost, including the cost of defending such actions, which is incurred as a result of an agreement by the department to hold harmless or indemnify shall be payable from the Water Quality Assurance Trust Fund or the Inland Protection Trust Fund, whichever is appropriate, based upon the nature of the discharge or release.

(4) No state employee or employee of a political subdivision who provides services relating to a response action while acting within the scope of his authority as a governmental employee shall be personally liable for any actions undertaken by the department, the political subdivision, or a response action contractor pursuant to this act. However, nothing in this section shall affect the liability of any other person.

(5) This section is repealed effective October 1, 1997 1988, and shall be reviewed by the Legislature during the 1997 1988 regular legislative session.

Section 31. The Department of Professional Regulation shall, by January 1, 1989, adopt rules providing standards for the certification of response action contractors as defined in section 376.301, Florida Statutes; provided, however, that no certification shall be required for a professional engineer licensed under chapter 471, Florida Statutes. The Department of Environmental Regulation shall cooperate with the Department of Professional Regulation in the adoption of such rules and shall review and comment upon such rules prior to their adoption.

Section 32. (1) There is hereby appropriated from the Inland Protection Trust Fund to the Department of Environmental Regulation the sum of \$4 million to provide the department with funds to contract with counties that have adopted department rules relating to stationary tanks pursuant to section 376.303, Florida Statutes, as the countywide stationary tank ordinance pursuant to section 376.317, Florida Statutes, or that have adopted a more stringent or extensive ordinance to verify and enforce compliance with department rules relating to stationary tanks adopted pursuant to section 376.303, Florida Statutes.

(2) There is hereby appropriated from the Inland Protection Trust Fund to the Department of Environmental Regulation the sum of \$2 million to carry out the provisions of section 376.3072(2), Florida Statutes, and to pay for contracts for the tank verification program required in section 376.303, Florida Statutes.

(3) There is hereby appropriated from the Liability Insurance Account of the Inland Protection Trust Fund the premium fee, as it is collected, authorized under section 376.3072(4), Florida Statutes, to carry out the provisions of section 376.3072(8), Florida Statutes.

Section 33. The sum of \$161,566 is appropriated from the Inland Protection Trust Fund to the Department of Environmental Regulation to implement the Florida Petroleum Liability Insurance Program created pursuant to section 376.3072, Florida Statutes. The department is authorized to create six positions to carry out the provisions of the program.

Section 34. The sum of \$60,000 is appropriated from the Inland Protection Trust Fund to the Department of Environmental Regulation to implement the local government compliance verification and enforcement program authorized by sections 376.3073 and 376.317, Florida Statutes. The department is authorized to create two positions to carry out the provisions of the program.

Section 35. The Department of Insurance is hereby directed to compile a report on the availability and cost of pollution liability insurance issued by private insurers. The department shall submit this report to the President of the Senate and the Speaker of the House of Representatives on or before January 1, 1993.

Section 36. Except as otherwise provided herein, this act shall take effect upon becoming a law. The Florida Petroleum Liability Insurance Program expires July 1, 1993.

Senator Thurman moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 2, line 24, after the semicolon (;) insert: amending s. 376.303, F.S.; extending the deadline for filing information with the Department of Environmental Regulation in order to participate in the Early Detection Incentive Program; amending s. 376.3071, F.S.; providing that moneys in the Inland Protection Trust Fund may be used to pay for the provisions of the Florida Petroleum Liability Insurance Program; providing a criterion by which the department establishes priority for the cleanup of contamination sites; extending the period of operation of the Early Detection Incentive Program; creating s. 376.3072, F.S.; creating the Florida Petroleum Liability Insurance Program to be administered by the Department of Environmental Regulation; specifying the scope and type of insurance coverage under the program; providing for the payment of restoration costs through the Inland Protection Trust Fund; providing eligibility for participation; providing for charging of premiums; specifying participant's liability under a certain type of coverage; authorizing department assessments of participants under certain circumstances; providing for self-insurance; specifying criteria for self-insurance; providing for disposition of the premiums collected; providing for the purchase of insurance management or underwriting services and certain management services and tank registration compliance verification services by the department; providing for the reporting of third-party liability claims; authorizing the department to adopt rules and to establish criteria for certain storage tanks; amending s. 376.3073, F.S.; requiring the department to contract with local governments to administer ss. 376.3072 and 376.3077, F.S., under certain circumstances; transferring, renumbering, and amending s. 526.3055, F.S.; requiring the department to enforce certain provisions relating to the deposit of motor fuels into certain tanks; authorizing the department to contract with the Department of Agriculture and Consumer Services to enforce such provisions; amending s. 376.317, F.S.; revising criteria regarding the authorization of county governments to adopt ordinances regulating underground storage tanks; amending s. 376.319, F.S.; extending the time period for the statutory indemnification of certain response action contractors; directing the Department of Professional Regulation to adopt rules for the certification of response action contractors; providing an exemption from certification; providing appropriations to the Department of Environmental Regulation for contracting with counties for verification and enforcement of compliance with certain rules, for contracting with businesses for certain services, and for implementation of the Florida Petroleum Liability Insurance Program; directing the Department of Insurance to compile a report on the availability and cost of pollution liability insurance issued by private insurers;

On motions by Senator Margolis, the Senate concurred in House Amendment 1 as amended and House Amendment 2 as amended and the House was requested to concur in the Senate amendments to the House amendments; and refused to concur in House Amendment 1 to House Amendment 1 and House Amendment 2 to House Amendment 2 and the House was requested to recede.

CS for SB 155 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hill	McPherson	Weinstock
Deratany	Hollingsworth	Meek	Woodson
Dudley	Jenne	Myers	
Frank	Johnson	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 173 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 173—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 715.05, F.S.; requiring the department to provide certain information regarding towed or removed vehicles to a law enforcement agency upon request; providing an effective date.

Amendment 1—On pages 1 and 2 strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, towing of vehicles from private property, or port rates.

Section 2. Paragraph (b) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, towing of vehicles from private property, or port rates.

Section 3. *It is the intent of the Legislature that the provisions of this act require the department to register tow truck owners/lessees, as defined in s. 320.901. There are no further requirements that the department investigate consumer complaints, complaints concerning uncertified operators, inspect the records or facilities of licensed owners/lessees, or verify any information contained in the application for certification. The registration process shall serve as a mechanism for the public to identify certified tow truck owners/lessees, and for tow truck owners/lessees to obtain compensation for costs incurred in the removal of derelict vehicles.*

Section 4. Subsection (3) is added to section 320.18, Florida Statutes, to read:

320.18 Withholding registration.—

(3) *The department shall make every good faith effort to withhold the registration of any motor vehicle the owner of which has neglected or refused to pay costs for the removal, storage, or destruction of a motor vehicle as provided by s. 705.103(4), unless such person presents a paid receipt to the department or an agent of the department showing that such costs have been paid.*

Section 5. Section 320.901, Florida Statutes, is created to read:

320.901 *Definitions.—The following words, terms, and phrases when used in ss. 320.901-320.911 shall have the following meanings:*

(1) *"Department" means the Department of Highway Safety and Motor Vehicles.*

(2) *"Person" means any natural person, corporation, firm, partnership, association, or other legal entity.*

(3) *"Tow truck owner/lessee" means any person who regularly engages in the business of transporting wrecked, disabled, or abandoned vehicles on public highways. The term does not include a person who does not serve the public and does not receive a fee, consideration, or benefit from any source, directly or indirectly, for towing a vehicle by wrecker, tow truck, or car carrier or recovering, towing, or storing a vehicle.*

(4) *"Certificate of authority" means a document of authorization issued by the department to a tow truck owner/lessee.*

Section 6. Section 320.902, Florida Statutes, is created to read:

320.902 *Certificate of authority required.—No person shall engage in the business as, serve in the capacity of, or act as a tow truck owner/lessee in this state unless such person has a valid certificate of authority as provided in ss. 320.901-320.911.*

(1) *The certificate of authority shall be in the form of a decal which must be conspicuously displayed on the left front door of each vehicle being operated.*

(2) *The transfer of decals between vehicles is prohibited.*

(3) *When a vehicle is removed from service, the decal shall be removed from the vehicle and destroyed.*

Section 7. Section 320.903, Florida Statutes, is created to read:

320.903 *Application.—*

(1) *The application for a certificate of authority shall be in such form as may be prescribed by the department and shall be submitted to the department by the applicant under penalty of perjury.*

(2) *The application shall include, in addition to such information as the department requires by rule, the following:*

(a) *The name, address, and dates of birth of all applicants.*

(b) *If the applicant is a corporation, the names and dates of birth of its officers, directors, and principal shareholders, the address of the corporation's principal place of business, and a copy of its articles of incorporation.*

(c) *If the applicant is a partnership, the names, addresses, and dates of birth of the partners, and a copy of its partnership agreement.*

(d) *A listing of all felonies and misdemeanors, if any, of which the applicant, or any partner, officer, director, or principal shareholder of the applicant, has been convicted.*

(e) *The trade name under which the applicant intends to engage in business.*

(f) *The applicant's sales tax identification number.*

(g) *The address from which the applicant intends to engage in business and the applicant's telephone number.*

(h) *A certificate by the applicant that it will maintain an office at its principal location for the conduct of its business which is open and accessible to the public during normal working hours; and that the location from which the applicant intends to conduct its business contains facilities of adequate size for the temporary and secure storage of motor vehicles under its custody and control.*

(i) *Evidence in such form as may be required by the department by rule that the applicant has obtained liability insurance coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an insurer authorized to transact business within the state.*

Section 8. Section 320.904, Florida Statutes, is created to read:

320.904 Application and renewal fee.—

(1) Every application for a certificate of authority shall be accompanied by a fee of \$250. Such fee is to be deposited into the Motor Vehicle License Plate Replacement Trust Fund.

(2) Certificates of authority issued by the department shall remain in force and effect during the remainder of the calendar year during which they were initially issued, and shall be renewed by the department thereafter on an annual basis upon receipt by the department of a renewal application from the applicant and payment of a renewal fee of \$250. Such fee is to be deposited into the Motor Vehicle License Plate Replacement Trust Fund.

(3) Sixty days prior to the end of each calendar year, the department shall mail a renewal application to such persons then holding a valid certificate of authority from the department.

Failure to renew such a certificate prior to January 31 shall cause said certificate to be canceled, and it is unlawful thereafter for any such person to engage, offer to engage, or hold itself out as engaging as a tow truck owner/lessee unless the certificate is reactivated or reissued.

Section 9. Section 320.905, Florida Statutes, is created to read:

320.905 Denial, suspension, or revocation of certificate of authority.—

(1) The department shall deny a certificate of authority to any applicant who fails to provide the department with the information required by s. 320.903.

(2) The department may deny, revoke, or suspend a certificate of authority if the applicant:

(a) Has attempted to obtain, obtained, or renewed a certificate of authority by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Has been convicted or found guilty, regardless of adjudication, of a crime which directly relates to the business for which the certificate is to be issued. A plea of nolo contendere shall be considered a conviction for purposes of this section.

Section 10. Section 320.908, Florida Statutes, is created to read:

320.908 Penalty.—Any person engaged in business within this state as a tow truck owner/lessee in violation of s. 320.902 shall be guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083.

Section 11. Section 320.911, Florida Statutes, is created to read:

320.911 Reimbursement for towing, storage, and disposal of derelict vehicles.—

(1) Any tow truck owner/lessee who holds a valid certificate of authority shall, upon application to the department, be entitled to reimbursement for ordinary and reasonable costs incurred by the tow truck owner/lessee for towing, storage, and disposal of derelict vehicles less any salvage value obtained by disposal of such vehicle. For the purposes of this section the term "derelict vehicle" means wrecked or inoperable motor vehicles of minimum salvage value which have been legally towed, stored, and disposed of by a tow truck owner/lessee and on which the charges for such services remain unpaid despite reasonable good faith collection efforts pursuant to s. 713.78.

(2) The application for reimbursement pursuant to this section shall be in such form as may be prescribed by the department and shall include, in addition to such information as the department requires by rule, the following:

(a) A full description of the vehicle, and if known, the vehicle identification number.

(b) The date that the derelict vehicle was towed.

(c) The law enforcement agency that authorized the removal of the derelict vehicle.

(d) The storage site of the derelict vehicle.

(3) Reimbursement to the tow truck operator pursuant to this section shall be made from the Motor Vehicle License Plate Replacement Trust Fund.

(a) The amount of the reimbursements from the trust fund shall at no time exceed the amount of money deposited into the trust fund from the application and renewal fees of tow truck owners/lessees.

(b) Reimbursement from the Motor Vehicle License Plate Replacement Trust Fund shall not exceed \$100 per vehicle.

(c) Reimbursement shall not be made if the registration on the vehicle for which application is made has been expired for more than 12 months.

(4) This section shall only apply to the towing, storage, and disposal of derelict vehicles which have been authorized to be removed by the law enforcement agency.

(5) The department shall adopt rules necessary to implement this section.

Section 12. Subsection (1) of section 715.05, Florida Statutes, is amended to read:

715.05 Reporting of unclaimed motor vehicles.—

(1) Whenever any law enforcement agency authorizes the removal of a ~~an abandoned~~ vehicle or whenever any garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles within 24 hours through the medium of electronic communications giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall, by certified mail, notify the owner and all lienholders of the location of the vehicle and of the fact that it is unclaimed. Such notice shall be given within 5 days from the date of storage and shall be complete upon mailing; however, if the vehicle is registered outside this state, the person in charge of the garage, repair shop, or automotive service, storage, or parking place shall make a good faith best effort in so notifying the owner and any lienholders, and such notice shall be given within a reasonable period of time from the date of storage.

Section 13. Subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles parked on private property; towing.—

(2) The owner or lessor of real property, or any person authorized by the owner or lessor, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle parked on such property without his permission to be removed by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of that vehicle is subject to strict compliance with the following conditions and restrictions:

1. No extra fee may be charged by the towing or removing company because the towed vehicle was illegally parked.

2.1-a. Any towed or removed vehicle must be stored at a site within 5 miles of the point of removal in any county of 500,000 population or more, and within 15 miles of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle is open for towing purposes, from 11:00 a.m. to 11:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle, the operator shall return to the site within 1 hour or he will be in violation of this section.

b. If no towing business is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: Any towed or removed vehicle must be stored at a site within 20 miles of the point of removal in any county of 500,000 population or more, and within 30 miles of the point of removal in any county of less than 500,000 population.

3.2. The person or firm towing or removing the vehicle shall, within 30 minutes of completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff of such towing or removal, the storage site, the time the vehicle was towed or removed, and the make, model, color, and license plate number of the vehicle and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

4.3. If the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate for such towing service as provided in subparagraph 9. 6., for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise unlawfully parked.

5.4. The rebate or payment of money or any other valuable consideration from the individual or firm towing or removing vehicles to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited.

6.5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed at the owner's or operator's expense, any property owner or lessor, or person authorized by the property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles, if the property owner, lessor, or person in control of the property has a written contract with the towing company.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles.

e. The local government *shall* may require permitting and inspection of these signs prior to any towing or removal of vehicles being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

7.6. Any person or firm that tows or removes vehicles and proposes to require an owner, operator, or person in control of a vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates *approved by the local jurisdiction* to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize such person or firm to remove vehicles as provided in this section.

8.7. Any person or firm towing or removing any vehicles from private property without the consent of the owner or other legally authorized person in control of the vehicles shall, on any trucks or other vehicles used in the towing or removal, have clearly indicated, in at least 2-inch letters, such person's or firm's name, address, and telephone number on the driver and passenger side doors.

9.8. Vehicle entry for the purpose of removing the vehicle shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damage occasioned to the vehicle if such entry is not in accordance with the standard of reasonable care.

10.9. When a vehicle has been towed or removed pursuant to this section, it must be released to its owner or custodian within one-half hour after requested. Any vehicle owner, custodian, or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle owner, custodian, or agent as a condition of release of the vehicle to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

11. *The local government having jurisdiction over the location of the vehicle to be towed shall set the approved rates for all towing or removal of vehicles pursuant to this section.*

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county, *including the right to regulate rates when vehicles are towed from private property.*

Section 14. Subsection (5) of section 713.78, Florida Statutes, is amended, and subsections (7) and (8) are added to said section, to read:

713.78 Liens for recovering, towing, or storing vehicles.—

(5) Any vehicle which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable towing or storage charges remain unpaid, may be sold by the owner or operator of the storage space after 30 45 days from the time the vehicle is stored therein. The sale shall be at public auction for cash. Notice of the sale shall be given to the person in whose name the vehicle is registered and to all persons claiming a lien on the vehicle as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by registered or certified mail to the owner of the vehicle and the person having the recorded lien on the vehicle at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held or by notices posted for 10 days in three public places in the county, one of which shall be at the courthouse, and another in some conspicuous part of the storehouse. The proceeds of the sale, after payment of reasonable towing and storage charges and costs of the sale, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens except those registered with the Department of Highway Safety and Motor Vehicles.

(7) *Any vehicle which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable towing or storage charges remain unpaid, may be sold or disposed of as salvage at public sale by the owner or operator of the storage space after 10 days following the mailing of the notice provided for in subsection (3), if the estimated value of such vehicle is less than or equal to the towing, recovery, removal, and storage charges which have accrued against such vehicle by the time of sale, and if the owner or any person claiming a lien thereon has failed to fully pay such charges. The proceeds of sale, if any, shall be applied to the expense of towing, recovery, removal, and storage and shall be retained by the person entitled to assert a lien therefor,*

and the excess, if any, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof.

(8) Thirty days after receipt of the notice provided pursuant to subsection (3), the Department of Highway Safety and Motor Vehicles, after providing due notice and an opportunity to be heard pursuant to s. 120.57, shall suspend the registration of any motor vehicles which are owned by the owner of such vehicle which is the subject of said notice, and which are required to be registered in this state under s. 320.02. The suspension or suspensions shall remain in force and effect until satisfactory proof has been presented to the department that the reasonable towing and storage charges have been fully paid or satisfied.

Section 15. This act shall take effect January 1, 1989.

Amendment 2—On page 1, in the title, lines 1-7, strike the entire title and insert:

A bill to be entitled An act relating to motor vehicle towing; amending s. 125.0103, F.S.; authorizing local governments to regulate rates with respect to the towing of vehicles from private property; amending s. 166.043, F.S.; including the towing of vehicles from private property within a group of rate areas where a local government may enact public service rates; providing legislative intent; amending s. 320.18, F.S.; providing for the withholding of registration; creating s. 320.901, F.S.; providing definitions; creating s. 320.902, F.S.; requiring tow truck operators to obtain a certificate of authority; creating s. 320.903, F.S.; providing for application; creating s. 320.904, F.S.; providing for application and renewal fees; creating s. 320.905, F.S.; providing for the denial, suspension, or revocation of a certificate of authority; creating s. 320.908, F.S.; providing a penalty; creating s. 320.911, F.S.; providing for reimbursement; amending s. 715.05, F.S.; providing for the reporting of certain unclaimed vehicles; amending s. 715.07, F.S.; prohibiting towing or removing companies from charging extra fees because a towed vehicle is illegally parked on private property; providing for towing or removal rate regulation; amending s. 713.78, F.S.; decreasing the number of days which a vehicle may be stored and unclaimed; providing for the disposition of unclaimed vehicles; providing an effective date.

Senator Beard moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 2, strike all of lines 15-24 and renumber subsequent sections.

Amendment 2—On page 16, strike all of lines 3-13

Amendment 3—On page 14, line 6, strike "subsections (7) and (8) are" and insert: subsection (7) is

Senator Beard moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 1, strike all of lines 23 and 24 and insert: legislative intent;

On motions by Senator Beard, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 173 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kiser	Plummer	
Gordon	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 810 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 810—A bill to be entitled An act relating to health care for the elderly; establishing the Florida Task Force on Elderly Access to Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for per diem and travel expenses; providing for appropriations; providing an effective date.

Amendment 1—On page 3, line 14, strike: "one provider of health care services" and insert: one medical doctor or doctor of osteopathy who accepts assignments for Medicare patients

Amendment 2—On page 3, lines 10 and 11 strike: "one provider of health services" and insert: one medical doctor or doctor of osteopathy who accepts assignment for Medicare services on a case by case basis,

On motions by Senator D. Childers, the Senate concurred in the House amendments.

CS for SB 810 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kiser	Plummer	
Gordon	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 361, Senate Bills 491, 492, CS for SB 702, Senate Bills 1384, 1391, 1409, 1415, 1420 and 1427.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed as amended SB 138.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 557, CS for HB 600, House Bills 274 and 1683.

John B. Phelps, Clerk

Motion

On motion by Senator Dudley, by unanimous consent—

HB 1189—A bill to be entitled An act relating to building designation; designating the Collier County Vocational Center in Naples as the

James Lorenzo Walker Vocational-Technical Center; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 1189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crenshaw	Hill	Margolis	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Myers	Woodson
Frank	Johnson	Peterson	
Gordon	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

Consideration of Resolution

On motion by Senator Peterson, by two-thirds vote SR 1428 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

SR 1428—A resolution recognizing E. Amos Sumner, Staff Director of the Committee on Agriculture, upon his forthcoming retirement.

WHEREAS, Earnest Amos Sumner, the third oldest of a family of nine children, was born in the rural community of Vilas in Liberty County on June 2, 1924, and was raised on a small row crop and livestock farm in that county, and

WHEREAS, he was graduated from Liberty High School in 1941, after which he served 6 months in the Civilian Conservation Corps and 12 months in the United States Forest Service before joining the United States Marine Corps in World War II, during which he served 2 1/2 years and was wounded by mortar shrapnel in the initial assault to capture Guam from Japan, for which he received the Purple Heart Medal and Unit Citation, and

WHEREAS, after the war, Amos attended the School of Forestry at the University of Georgia, where he was elected to membership in Omicron Delta Kappa, Alpha Zeta, Aghon, and Gridiron honor societies, was listed in "Who's Who Among Students in Colleges and Universities," and received his Bachelor of Science degree in Forestry in 1949, and

WHEREAS, after graduation from college, he went to work as a forest engineer for Southern Pine and Hardwood Company in Mobile, Alabama, in whose employment he remained until 1956, when he returned home to Florida to become Superintendent of Operations for Lister Timber and Pulpwood Company in Wewahatchka, a position he held until 1958 when he decided to go into business for himself in Hosford, under the name of "E. Amos Sumner, Pulpwood," engaging in pulpwood, logging, stumpwood production, and forestry consulting, and

WHEREAS, from December 1, 1964, through November 30, 1966, E. Amos Sumner represented his native Liberty County in the State Legislature as State Representative and served as a member of the Committees on Agriculture, Public Health, Game and Fresh Water Fish, and Governmental Operations; and, from December 1, 1968, through February 29, 1972, he served Senator W. E. Bishop as administrative assistant and worked extensively with the Senate Agriculture Committee, and

WHEREAS, on March 1, 1972, Amos was appointed Staff Director of the Senate Committee on Agriculture, from which position he will retire at the end of June, after having dedicated more than 16 years of service to the affairs of that committee, and

WHEREAS, during his service as staff director, Amos served on the Agriculture Committee of the Southern Legislative Conference of the Council of State Governments and on the Florida Metric Council; is presently serving on the Biomass Advisory Committee for the Institute of Food and Agricultural Sciences; has served, since 1979, on the Florida Rural Development Committee; and has received the Florida Farm Bureau Award for Outstanding Service to Florida Agriculture, the Flor-

ida Beekeepers' Award for Distinguished and Dedicated Service to the beekeeping industry, an award for service to the plant industry, and the University of Florida Chapter of Gamma Sigma Delta's Award for Outstanding Service to Florida Agriculture, and

WHEREAS, throughout the years, Amos has actively participated in business and civic affairs; he is a member of the Board of Trustees of Talquin Electric Cooperative, a member of the Farm Forest Association, a member and past Master of the Masonic Lodge, a member of the Scottish Rite (14th Degree), a member of the American Legion, and a member of the Board of Directors and past President of the Liberty County Chamber of Commerce, and

WHEREAS, Amos Sumner is ever active in the affairs of his church, Grace United Methodist Church of Hosford, of which he is a member of the Board of Trustees, a former Treasurer, and a Lay Leader, and has been listed in "Who's Who in the Methodist Church," and

WHEREAS, Amos is devoted to his wife and family; he is married to the former Era Earline Stoutamire of Hosford, and together they have five children, Earnest, Melba, Reginald, Archie, and Sally, all of whom are married, and seven grandchildren, and

WHEREAS, upon his retirement, Amos will continue his productive life, remaining active in church and civic affairs; raising beef cattle and practicing forestry and wildlife management on his family lands as he has done since 1958; and pursuing his favorite hobbies, horseback trail riding, hunting, fishing, and welding, and

WHEREAS, this body would pause in its deliberations to recognize one of its long-time, competent staff members on the occasion of his forthcoming retirement, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Earnest Amos Sumner, Staff Director of the Committee on Agriculture, is hereby recognized and thanked by this body for his years of quiet dedication and competent service to this body.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Amos as a tangible token of the esteem in which he is held by the members of this body and as an expression of appreciation from them so that, in his retirement years, he may be secure in the knowledge that he has served this body well.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

Senator Peterson introduced the following special guests: Amos Sumner, his wife Earline; sons Ernie, Reggie and Archie, and daughters Melba Faurot and Sally Mayo.

At the request of the President, Senators Peterson, W. D. Childers, D. Childers, Hollingsworth and Thomas escorted Mr. Sumner to the rostrum where he was presented a copy of the resolution.

The Senate resumed consideration of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1088 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1088—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining scope of practice of persons engaged in a business relating to fire protection systems for which certification of competency is required; amending s. 633.34, F.S.; revising criteria for qualifications for employment as a firefighter; amending s. 633.351, F.S.; revising standards for decertification; amending s. 633.382, F.S.; redefining the term "firefighter" with respect to supplemental compensation; amending s. 633.521, F.S.; providing requirements for examinations; revising prerequisites; reducing insurance requirements for certain contractors; amending s. 633.524, F.S.; providing fees; amending s. 633.527, F.S.; providing revised language with respect to examination procedures and confidentiality; amending s. 633.534, F.S.; providing supervision requirements; amending s. 633.537, F.S.; clarifying language with respect to certificate renewal; providing an appropriation; providing an effective date.

Amendment 1—On page 1, line 27, insert:

Section 1. Subsection (2) of section 509.215, Florida Statutes, is amended to read:

509.215 Firesafety.—

(2) Any public lodging establishment, as defined in this chapter, or any time-share unit of a time-share plan, as defined in chapters 718 and 721, which is of three stories or more and for which the construction contract was let before October 1, 1983, shall be equipped with:

(a) A system which complies with subsection (1); or

(b) An approved sprinkler system for all interior corridors, public areas, storage rooms, closets, kitchen areas, and laundry rooms, less individual guest rooms or time-share units, provided the following conditions are met:

1. There is a minimum 1-hour separation between each guest room or time-share unit and between each guest room or time-share unit and a corridor.

2. The building is constructed of noncombustible materials.

3. The egress conditions meet the requirements of s. 5-3 of the Life Safety Code, NFPA 101 (1985).

4. The building has a complete automatic fire detection system which meets the requirements of NFPA-72A (1987)(1985) and NFPA-72E (1984), including smoke detectors in each guest room or time-share unit individually annunciating to a panel at a supervised location.

(Renumber subsequent sections.)

Amendment 2—On page 1, in the title, line 2, after the semicolon insert: amending s. 509.215, F.S.; prescribing firesafety standards for such establishments;

On motions by Senator Thurman, the Senate concurred in the House amendments.

SB 1088 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grant	Lehtinen	Thomas
Childers, W. D.	Grizzle	Malchon	Thurman
Crawford	Hair	Margolis	Weinstein
Crenshaw	Hill	McPherson	Weinstock
Deratany	Hollingsworth	Meek	Woodson
Dudley	Jenne	Myers	
Frank	Johnson	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 654 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 654—A bill to be entitled An act relating to public records; amending s. 119.011, F.S.; specifying that certain documents given to a person arrested are not excluded from the meaning of “criminal intelligence information” or “criminal investigative information” for purposes of confidentiality; amending s. 119.07, F.S.; specifying that active criminal intelligence and criminal investigative information remains exempt from public records requirements after discovery is provided to the defendant or the state in a criminal prosecution; providing for review and repeal of the exemption; providing an effective date.

Amendment 1—On pages 1-3, strike everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (3) of section 119.011, Florida Statutes, is amended to read:

119.011 Definitions.—For the purpose of this chapter:

(3)

(c) “Criminal intelligence information” and “criminal investigative information” shall not include:

1. The time, date, location, and nature of a reported crime.;

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(h).;

3. The time, date, and location of the incident and of the arrest.;

4. The crime charged.;

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(h) and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of section 119.07(1), until released at trial, if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness, or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a co-defendant.

The exemptions in this subparagraph are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

6. Informations and indictments except as provided in s. 905.26.

Section 2. This act shall take effect October 1, 1988.

House Amendment 2 to House Amendment 1—On page 1, line 21, after the period insert:

Section 2. Paragraph (h) of subsection (3) and subsection (4) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(h) Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of the crime of lewd, lascivious, or indecent assault upon or in the presence of a child, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records, which may reveal the identity of a person under the age of 18 who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827, is exempt from the provisions of subsection (1).

(4) Nothing in this section shall be construed to exempt from subsection (1) a public record which was made a part of a court file and which is not specifically closed by order of court, except as provided in paragraphs (e), (f), (g), (m), (o), and (r) of subsection (3) and except information or records which may reveal the identity of a person under the age of 18 who is a victim of a sexual offense as provided in paragraph (h) of subsection (3).

(Renumber subsequent section.)

Amendment 3—On page 1, strike the entire title and insert: A bill to be entitled An act relating to public records; amending s. 119.011, F.S.; providing that the court may order that certain information in a criminal case, relating to victims, witnesses, the defendant's ability to fair trial, and ability to prosecute a codefendant is exempt from s. 119.07(1), F.S.; providing for future review and repeal; providing an effective date.

House Amendment 4 to House Amendment 3—On page 1, line 9, after “repeal” insert: amending section 119.07, F.S.; providing that court records which reveal the identity of victims of sexual assault of persons over the age of 18 are exempt from section 119.07(1), F.S.;

On motions by Senator Deratany, the Senate concurred in the House amendments.

SB 654 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Weinstein
Crenshaw	Hill	Meek	Weinstock
Deratany	Hollingsworth	Myers	Woodson
Dudley	Jenne	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 215 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 215—A bill to be entitled An act relating to attorney's fees; amending s. 57.105, F.S., relating to attorney's fees in actions based on contract; providing an effective date.

Amendment 1—On page 1, line 28, strike "actions filed" and insert: contracts entered into

On motion by Senator Grant, the Senate concurred in the House amendment.

SB 215 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Johnson	Peterson	
Frank	Kiser	Plummer	
Gordon	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Girardeau, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for CS for SB 587 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 587—A bill to be entitled An act relating to agencies and functions under the direct supervision of the State Insurance Commissioner and Treasurer; amending s. 280.02, F.S.; revising definitions; amending ss. 175.301, 185.30, F.S.; correcting cross-references to definition of public depository; amending s. 280.04, F.S.; revising collateral deposit requirements for public depositories; amending s. 280.05, F.S.; providing for additional powers and duties of the Treasurer; amending ss. 280.051, 280.055, F.S.; providing clarifying language; amending s. 280.08, F.S.; providing a specified time in which a sale of securities must be accomplished or an assessment must be made following the default or insolvency of a public depository; amending s. 280.09, F.S.; requiring cer-

tain penalties be deposited in a specified trust fund; amending s. 280.11, F.S.; providing notice requirements upon the withdrawal by a public depository from the public deposit security program; amending ss. 280.16, 280.17, F.S.; revising certain reporting requirements of public depositories; amending s. 655.057, F.S.; authorizing the Treasurer to access certain records of the Department of Banking and Finance; providing an exemption from public record disclosure requirements for such records when obtained by the Treasurer; providing for future review and repeal of said provisions; amending s. 20.13, F.S.; providing for certain divisions and bureaus within the Department of Insurance; specifying the duties of such divisions and bureaus; transferring the Bureau of Municipal Police Officers and Firefighters Retirement Funds from the Division of Administration to the Division of Benefits; amending s. 240.551, F.S.; reassigning the Prepaid Postsecondary Education Expense Board from the Division of Treasury of the department to the Division of Benefits of the department; providing an appropriation; providing an effective date.

Amendment 1—On page 31, lines 3-12, strike all of said lines and renumber subsequent section.

Amendment 2—In title, on page 2, lines 11 and 12, strike "providing an appropriation;"

On motions by Senator Crenshaw, the Senate concurred in the House amendments.

CS for CS for CS for SB 587 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1115 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1115—A bill to be entitled An act relating to the thermal efficiency code; amending s. 553.901, F.S.; revising the time for giving notice of changes in the code; amending s. 553.902, F.S.; defining or redefining terms; amending s. 553.904, F.S.; providing additional criteria to be considered in setting standards for new nonresidential buildings; amending s. 553.906, F.S.; providing additional criteria to be considered in setting standards for renovated buildings; amending s. 553.907, F.S.; providing procedures with respect to certification of compliance of buildings when alterations are made in design, materials, or equipment during construction or renovation; amending s. 553.9085, F.S.; revising provisions related to energy performance disclosure for residential buildings; providing an effective date.

Amendment 1—On page 6, line 13, insert:

Section 7. The introductory paragraph of subsection (2) of section 553.48, Florida Statutes, is amended, and paragraph (m) is added to said subsection, to read:

553.48 Accessibility features required of new buildings and renovations; exceptions.—

(2) All new buildings as defined in this part, and, for purposes of paragraph (m) only, all renovations of privately owned buildings described therein, except those exempted pursuant to subsection (3), which the general public may frequent, live in, or work in shall be made accessible as required in this section:

(m)1. All theaters, auditoriums, motion-picture houses, exhibition halls, meeting rooms, and passenger depots shall provide listening systems to ensure listening access to hearing-impaired persons. Such assembly areas with an occupant load of more than 50 persons and an audio amplification system shall provide a permanent assistive system which meets the standards of the American National Standards Institute. Such assembly areas without an audio amplification system, and spaces used primarily as meeting or conference rooms, shall provide either permanently installed or portable listening systems; portable systems, if used, may serve more than one room. If the listening system serves only a limited section of the assembly area, that section shall be located within 50-foot viewing distance of the stage or performing area and shall provide a complete view of the stage or performing area to facilitate lipreading. Acceptable types of listening systems include, but are not limited to, audio induction loops, radio frequency (AM or FM), and infrared transmission.

2. For the purposes of this paragraph, "renovation" is defined as substantial construction representing 50 percent or more of the replacement value of the facility.

(Renumber subsequent sections.)

Amendment 2—On page 1, in the title, line 19, after the semicolon insert: amending s. 553.48, F.S., relating to accessibility features for handicapped persons; requiring listening systems for hearing-impaired persons in certain public buildings; providing an effective date.

Senator Thurman moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 1, strike line 28, and insert: *impaired persons. Such privately owned assembly areas with an occupant load of*

Amendment 2—On page 2, strike line 1, and insert: *and spaces used*

On motions by Senator Thurman, the Senate concurred in House Amendment 2 and in House Amendment 1 as amended and the House was requested to concur in the Senate amendments to the House amendment.

SB 1115 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Malchon	Stuart
Brown	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crenshaw	Hill	Meek	Weinstein
Deratany	Hollingsworth	Myers	Weinstock
Dudley	Jenne	Peterson	Woodson
Frank	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	
Gordon	Lehtinen	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1171 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1171—A bill to be entitled An act relating to ad valorem taxes; amending s. 193.023, F.S.; specifying methods for assessing cooperative parcels; specifying information which must be contained in tax notices; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.363, F.S.; revising provisions relating to the method of collection of special assessments and service charges; restricting the application of such provisions; creating s. 197.3631, F.S.; providing general requirements relating to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of

non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.342, F.S.; providing a title for a certain statement of tax information; amending s. 193.075, F.S.; correcting a cross-reference; amending s. 197.122, F.S.; providing for application of personal property tax liens; amending s. 197.202, F.S.; providing for destroying certain tax receipts; amending s. 200.065, F.S.; providing for notifying taxpayer's of millage rate adjustments; requiring certain ordinance or resolutions to be provided to certain persons within a certain time; amending s. 286.0105, F.S.; providing an exception to certain notice requirements; amending s. 192.037, F.S.; providing additional procedures for assessing time-share property; providing additional "usual and reasonable fees and costs of the sale" for time-share property; providing an effective date.

Amendment 1—On page 8, line 13, strike "January 1, 1990" and insert: October 1, 1989

Amendment 2—On page 19, line 16, after the period (.) insert: *Provided, however, that such liens against other personal property shall not apply against such property which has been sold; and such liens against other personal property shall be subordinate to any valid prior or subsequent liens against such other property.*

On motions by Senator Deratany, the Senate concurred in the House amendments.

CS for SB 1171 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Lehtinen	Scott
Brown	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crenshaw	Hill	Meek	Weinstein
Deratany	Jenne	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kiser	Plummer	
Girardeau	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Hollingsworth, Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 6, 8 and 11; has further amended and passed as further amended CS for SB 54 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 54—A bill to be entitled An act relating to condominiums; amending s. 718.115, F.S.; providing for additional expense items to be treated as common expenses; providing an effective date.

Amendment 13—On page 1, in the title, line 2, before the semicolon insert: and cooperatives

On motion by Senator Weinstock, the Senate concurred in the House amendment.

CS for SB 54 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Deratany	Grant	Jenne
Brown	Dudley	Grizzle	Johnson
Childers, D.	Frank	Hair	Kiser
Childers, W. D.	Girardeau	Hill	Langley
Crenshaw	Gordon	Hollingsworth	Lehtinen

Malchon	Peterson	Stuart	Weinstock
McPherson	Plummer	Thomas	Woodson
Meek	Ros-Lehtinen	Thurman	
Myers	Scott	Weinstein	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2, 3, 4, 5, 6 and 7 to House Amendment 1 and Senate Amendment 1 to House Amendment 2 and has amended Senate Amendment 1 to House Amendment 1, concurred in same as amended and passed CS for CS for CS for SB 1054, as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1054—A bill to be entitled An act relating to taxation; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax; providing for a credit for intangible taxes; increasing the salary credit allowed against the premium tax; increasing the maximum total for corporate income tax and salary credits; providing for credits and deductions; providing for consolidated premium tax returns for groups of insurers in an insurance holding company system; providing for determination of premium tax liability and auditing; providing for promulgation of rules and authority to issue a subpoena; providing exemptions from the premium tax; repealing section 35 of chapter 87-99, Laws of Florida, relating to the retaliatory credit against the insurance premium tax for domestic insurers; creating s. 624.4425, F.S.; providing that multiple-employer welfare arrangements are subject to the insurance premium tax; specifying the rate; creating s. 624.475, F.S.; providing that commercial self-insurance funds are subject to the insurance premium tax; specifying the rate; amending s. 627.356, F.S.; providing that professional liability risk management trust funds are subject to the insurance premium tax; specifying the rate; amending s. 627.357, F.S.; providing that medical malpractice self-insurance funds are subject to the insurance premium tax; specifying the rate; creating s. 629.5011, F.S.; providing that premiums and assessments received by reciprocal insurers are subject to the insurance premium tax; amending s. 631.705, F.S.; changing the offset schedule for assessments of the Florida Insurance Guaranty Association against the premium tax; amending s. 631.719, F.S.; changing such offset schedule with respect to assessments of the Florida Life and Health Guaranty Association; amending s. 634.131, F.S.; providing that premiums and assessments of motor vehicle service agreement companies are subject to the sales tax rather than a premium tax; amending s. 634.415, F.S.; providing that premiums and assessments of service warranty associations are subject to the sales tax rather than a premium tax; creating s. 637.406, F.S.; providing that dental service plans are subject to the insurance premium tax; creating s. 651.027, F.S.; providing that fees of continuing care contracts are subject to the insurance premium tax; amending s. 175.101, F.S.; reducing the municipal excise tax on property insurance premiums; amending s. 185.08, F.S.; reducing the municipal excise tax on casualty insurance premiums; amending s. 440.51, F.S.; authorizing workers' compensation administration expense assessment deductions against the premium tax of group self-insurer's funds and commercial self-insurance funds; amending s. 440.57, F.S.; providing that workers' compensation group self-insurer's funds are subject to the insurance premium tax; specifying the rate; amending ss. 634.023, 634.3025, 634.4025, F.S.; clarifying legislative intent; directing the Department of Insurance to collect and report to the Legislature certain information relating to insurance agents and administrators; providing an appropriation; providing effective dates.

House Amendment 1 to Senate Amendment 1—On page 1, lines 12-27, strike all of said lines and insert:

(12)(a) *The tax imposed by this section does not apply to commercial motor vehicle insurance premiums received by insurers for vehicles qualifying for the following Insurance Services Office rating classification codes, as defined on January 1, 1988:*

1. *Primary classification code 4189, 4199, 4109, 4159, 4169, 4179, 4289, 4299, 4209, 4259, 4269, 4279, 5482, 5483, 5492, 5493, 5409, 5452, 5453, 5462, 5463, or 5479; or*

2. *Any truck, tractor, or trailer primary classification code to which any of the following secondary class codes apply: 21, 22, 23, 24, 25, 26, 02, 29, 51, 52, 53, 54, 59, 71, 72, 73, 74, or 79.*

(b) *This subsection shall only apply to insurers which have been transacting insurance for at least one year in this state and which receive at least twenty-five percent of their total annual premiums from commercial motor vehicle insurance sold for vehicles in Florida which qualify for the classification codes specified in paragraph (a).*

(c) *This subsection is repealed on July 1, 1989, and shall be reviewed by the Legislature prior to that date.*

(13) *Notwithstanding provisions to the contrary, the*

On motion by Senator Deratany, the Senate concurred in the House amendment.

CS for CS for CS for SB 1054 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1212 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1212—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; providing that the provisions of part III of chapter 400, F.S., do not supersede applicable federal laws or regulations; amending s. 400.462, F.S.; providing definitions; amending s. 400.478, F.S.; requiring registrant's to maintain employment histories of specified personnel; requiring notice of the right to report abusive, neglectful, or exploitative practices to patients and families; requiring screening; amending s. 400.487, F.S.; requiring the evaluation of services by health professionals; creating s. 400.495, F.S.; requiring notice of the right to report abusive, neglectful, or exploitative practices to patients and families; amending s. 400.497, F.S.; requiring agencies to maintain employment histories of specified personnel; requiring screening; amending s. 415.107, F.S.; requiring the department to search the abuse registry records for screening purposes; amending s. 415.51, F.S.; requiring the department to search the abuse registry records for screening purposes; providing for review and repeal; amending s. 464.008, F.S.; requiring applicants for licensure to provide information for certain background checks; amending s. 464.013, F.S.; requiring as a condition of licensure renewal the signing of an affidavit attesting to specific information; amending s. 464.014, F.S.; requiring inactive licensees to provide information for certain background checks; amending s. 464.018, F.S.; establishing grounds for disciplinary actions; amending s. 455.241, F.S.; correcting a cross-reference; providing for review and repeal; providing an effective date.

Amendment 1—On page 6, line 3; on page 12, line 23; on page 13, lines 17 and 19; on page 14, line 11; on page 15, line 6; on page 19, lines 8 and 12; on page 20, line 3; and on page 21, line 2, strike "1988" and insert: 1989

Amendment 2—On page 9, strike all of line 28 and insert: *health agency personnel. Effective October 1, 1989, all such standards shall apply to*

On motions by Senator Myers, the Senate concurred in the House amendments.

CS for SB 1212 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Hill	McPherson	Thurman
Crenshaw	Hollingsworth	Meek	Weinstein
Deratany	Jenne	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kiser	Plummer	
Girardeau	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

Senator W. D. Childers presiding

SPECIAL ORDER

CS for CS for SB 534—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; restating the purposes for the operation of county public health units; defining three levels of county public health unit services as environmental, communicable disease control, and primary care services; providing contracting provisions and requirements between the Department of Health and Rehabilitative Services and the counties; amending s. 154.011, F.S.; requiring counties to coordinate certain health care services with existing federal programs; amending s. 154.02, F.S.; modifying the provisions governing the Public Health Unit Trust Fund; specifying expenditure report requirements and providing timeframes for reporting; amending s. 154.04, F.S.; modifying provisions regarding public health unit personnel; requiring the employment of an environmental specialist; providing that public health unit personnel be employed by the Department of Health and Rehabilitative Services; amending s. 154.331, F.S.; providing for the creation of independent health care special districts upon voter approval; redesignating county indigent health care districts as county health care special districts; providing for assessment of certain ad valorem taxes within such district; providing for a governing board for a health care special district; providing board membership, duties, and terms of office; requiring the board to prepare and adopt a budget; providing a means to dissolve the district subject to certain limitations; requiring the board to comply with certain reporting and filing requirements; amending s. 409.266, F.S.; increasing the expenditure from the Public Medical Assistance Trust Fund to expand primary care programs; increasing the income level under which elderly and disabled persons may qualify for Medicaid services, in accordance with federal law; increasing the age level under which children may qualify for Medicaid benefits, in accordance with federal law; requiring a report by the Department of Health and Rehabilitative Services to the President of the Senate and the Speaker of the House of Representatives; providing disproportionate share reimbursement to certain hospitals; creating s. 409.2673, F.S.; establishing a shared county and state health care program for specified low-income persons; providing for eligibility for the program; providing for funding the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for development and adoption of rules governing the program; creating the Shared County and State Program Trust Fund; creating shared county and state program trust funds in each county; providing an annual appropriation into the trust fund; reviving and readopting s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 36, between lines 5 and 6, insert:

Section 11. Paragraph (b) of subsection (4) of section 73 of chapter 88-1, Laws of Florida, is amended to read:

Section 73. Birth-Related Neurological Injury Compensation Trust Fund.—

(4) On or before March 1, 1988, the following persons and entities shall pay into the fund an initial assessment in accordance with the plan of operation:

(b) Each hospital licensed under chapter 395, Florida Statutes, shall pay an initial assessment of \$50 per infant delivered during the prior calendar year, as reported in the most recent annual licensure survey of hospitals. Each hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay the initial assessment or any assessment required by subsection (5). The term "infant delivered during the prior calendar year" shall not include infants delivered by a physician employed by the State or any political subdivision thereof. *The initial assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Hospital Cost Containment Board) or born to a patient for whom the hospital receives Medicaid reimbursement, in a teaching hospital as defined in s. 395.502(22), Florida Statutes.*

(Renumber subsequent sections.)

Amendment 2—In title, on page 3, line 5, after the semicolon (;) insert: amending section 73. of chapter 88-1, Laws of Florida; excluding from initial hospital Birth-Related Neurological Injury Compensation Trust Fund assessments those infants born to charity or Medicaid patients in teaching hospitals;

On motion by Senator Myers, by two-thirds vote CS for CS for SB 534 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Beard	Grant	Malchon	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hollingsworth	McPherson	Thurman
Crenshaw	Jenne	Meek	Weinstock
Dudley	Johnson	Myers	Woodson
Frank	Kiser	Peterson	
Girardeau	Langley	Plummer	
Gordon	Lehtinen	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Jennings

CS for CS for CS for SB 19—A bill to be entitled An act relating to public health; amending s. 20.04, F.S.; conforming position title; amending s. 20.19, F.S.; providing for a Deputy Secretary for Management Systems; providing for a Deputy Secretary for Health who is the State Health Officer; centralizing activities, programs, and functions of the department relating to public and environmental health matters, within the office of the Deputy Secretary for Health; providing qualifications and duties of the State Health Officer; providing for assistant health officers; creating a Health Advisory Council; providing for membership and duties of the council; providing for a Deputy Secretary for Programs and providing for responsibilities of the office; providing for assistant secretaries for programs; providing for deputy assistant secretaries for alcohol and drug abuse, and for mental health; providing for the reassignment of children's mental health programs and services; providing for a Deputy Secretary for Administration and providing for responsibilities of the office; providing for deputy district administrators for health and providing for their responsibilities; clarifying the responsibilities of the Statewide Human Rights Advocacy Committee and the committee's authority for access to records; clarifying the responsibilities of the District Human Rights Advocacy Committees and the authority of the committees for access to records; creating two additional distinct budget entities within the departmental summary budget document; providing for the appointment of an additional management fellow; making conforming changes to comply with changes resulting from the creation of additional deputy secretaries; repealing ss. 387.01-387.10, F.S., relating to water pollution; amending s. 403.101, F.S.; deleting authority of the Department of Environmental Regulation to regulate operators of drinking water purification plants; creating s. 387.1005, F.S.; amending s. 403.1815, F.S.; transferring the local regulation of the construction of water mains from the Department of Environmental Regulation to the Department of Health and Rehabilitative Services; transferring, renumbering, and amending ss. 403.850, 403.851, 403.852, 403.853, 403.8535,

403.854, 403.855, 403.857, 403.858, 403.859, 403.860, 403.861, 403.862, 403.863, 403.8635, 403.864, F.S.; creating s. 387.231, F.S.; transferring the administration of the Florida Safe Drinking Water Act and related provisions to the Department of Health and Rehabilitative Services and making conforming changes and other revisions; providing additional definitions; revising cross-references; providing that the use of lead in water systems is a violation; providing for administrative fines; granting the department permitting authority with respect to certain private and public water systems; providing for funding activities of county public health units; creating s. 387.271, F.S.; authorizing the Department of Health and Rehabilitative Services to, by rule, classify and require reporting for drinking water facilities and to regulate operators of drinking water treatment plants; creating s. 387.281, F.S.; authorizing the Department of Health and Rehabilitative Services to grant variances; creating s. 387.291, F.S.; empowering the Department of Health and Rehabilitative Services to adopt federal standards; amending s. 381.261, F.S.; authorizing the Department of Health and Rehabilitative Services to permit and supervise private and public water systems and individual sewage disposal systems; transferring, by type four transfer, the administration of the Florida Safe Drinking Water Act to the Department of Health and Rehabilitative Services; establishing programs in epilepsy control; amending s. 393.063, F.S.; removing epilepsy from the definition of developmental disability and providing a definition of "epilepsy"; amending s. 393.066, F.S.; removing epilepsy from the list of conditions included in community services and treatment for developmentally disabled persons; providing for the establishment, membership, duties, and duration of the Epilepsy Services Task Force; providing for the establishment and duties of a Department of Health and Rehabilitative Services and Department of Environmental Regulation work group; providing for transfer of rules; providing for substitution of parties in judicial or administrative proceedings; providing severability; providing effective dates.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 50, line 16, through page 95, line 25, strike all of said language and insert:

Section 3. Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(1) The Legislature finds that epilepsy is a developmental disability and a significantly handicapping condition and intends that it be recognized as such. The Legislature further intends that persons with epilepsy be entitled to the protection and benefits available to all persons through the equal and nondiscriminatory application and implementation of statutes, regulations, programs, and services.

(2) The Department of Health and Rehabilitative Services shall:

(a) Establish, within the Office of the State Health Officer, a program for the assistance of persons with epilepsy.

(b) Assist in the development and expansion of programs for the case management, diagnosis, care, and treatment of persons with epilepsy, including required pharmaceuticals, medical procedures, and techniques that will have a positive effect in the care and treatment of such persons.

(c) Develop standards for determining eligibility for care and treatment under this program.

(d) Assist in the development of programs for the prevention of and early intervention in epilepsy.

(e) Assist in the establishment of screening programs and early diagnosis facilities.

(f) Institute and carry on an educational program among physicians, hospitals, county public health units, and the public concerning epilepsy, including the dissemination of information and the conducting of educational programs concerning the prevention and the methods developed and used for the care and treatment of persons having epilepsy.

(g) Contract for the provision of care as outlined.

(h) Continue current programs and develop cooperative programs and services designed to enhance the vocational rehabilitation of epilepsy clients, including the current jobs programs. The department shall keep and make available to the Governor and the Legislature information regarding the number of clients served, the outcome reached, and the expense incurred by these programs and services.

(i) Monitor participating facilities or agencies for program compliance with the terms contained in service contracts.

(3) Nothing in this section shall be construed to commit the state to provide direct financial assistance to clients requiring epilepsy therapy.

(4) The department may adopt such rules as may be necessary to implement this section.

Section 4. Present subsections (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of section 393.063, Florida Statutes, are renumbered as subsections (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), and (26), respectively; and subsection (6) of said section is amended, and a new subsection (10) is added to said section, to read:

393.063 Definitions.—For the purposes of this chapter:

(6) "Developmental disability" means a disorder or syndrome which is attributable to retardation, cerebral palsy, autism, epilepsy, or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely. For the purposes of this definition act, cerebral palsy ~~does~~ shall not include individuals who are victims of strokes.

(10) "Epilepsy" means a chronic brain disorder of various causes which is characterized by recurrent seizures due to excessive discharge of cerebral neurons. When found concurrently with retardation, autism, or cerebral palsy, epilepsy is considered a secondary disability for which the client is eligible to receive services to ameliorate this condition according to the provisions of this chapter.

Section 5. Subsection (9) of section 393.066, Florida Statutes, is amended to read:

393.066 Community services and treatment for the retarded and other developmentally disabled.—

(9) Development of programs for developmentally disabled persons with spina bifida shall not effectuate a reduction or dilution of the ongoing financial commitment of the state through appropriations for programs and services for persons with mental retardation, cerebral palsy, or autism, ~~or epilepsy~~. The availability of services for clients under this chapter shall not reduce or replace services available under other federal or state programs.

Section 6. Epilepsy Services Task Force.—

(1) By October 1, 1988, the secretary of the Department of Health and Rehabilitative Services shall establish an Epilepsy Services Task Force which shall assist the department in the development of a comprehensive epilepsy program.

(2) This task force shall consist of not fewer than five or more than nine members, as follows:

(a) Not more than three of the members may be representatives from voluntary agencies having a direct involvement in the provision of services to persons with epilepsy.

(b) Not more than three of the members may be representatives from medical schools or clinical facilities having a direct involvement in the provision of services to persons with epilepsy.

(c) One-third, but not fewer than two, of the members must be representatives of consumers of the department's services to persons having epilepsy.

(3) The task force members may not receive compensation for their services under this section, but they must be reimbursed for their travel expenses pursuant to section 112.061, Florida Statutes.

(4) The task force shall submit to the department, the Governor, and the Legislature a report that delineates current service levels, additional services or improvements needed, recommendations for improved or enhanced services of the department, and the level of funding support necessary to implement the recommendations of the task force. This report must be submitted no later than February 1, 1990.

(5) The task force is abolished upon the completion of all assignments delegated by this section or June 30, 1990, whichever occurs first.

Section 7. Except when inconsistent with other provisions of this act, all rules of the agency involved in the reorganization made by this act which are in effect on December 31, 1989, shall remain in effect until they are specifically altered, amended, or revoked in the manner provided by law.

Section 8. The provisions of this act do not affect the validity of any judicial or administrative proceeding pending as of December 31, 1989, and any department to which are transferred the powers, duties, and functions of any agency relating to the pending proceedings must be substituted as a party in interest.

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. This section and sections 3 through 9 of this act shall take effect upon becoming a law, and sections 1 and 2 of this act shall take effect October 1, 1988.

Senator Thurman moved the following amendment which was adopted:

Amendment 2—On page 95, strike line 22 and insert:

Section 37. Subsection (5) of section 154.01, Florida Statutes, is amended and subsection (6) is added to said section to read:

154.01 Public health unit delivery system.—

(5) In order to provide for the effective delivery of health services in keeping with expanding needs or modernization, the Legislature may authorize funding for construction or expansion projects to public health units. The department shall submit a list of construction or expansion needs arranged in order of priority to the Legislature in conjunction with each biennial budget request. *The priority list shall be based on the following criteria:*

(a) *The capacity of the health facility to efficiently provide the full set of authorized services for the number of patients who can be served with available funds;*

(b) *The capacity of the health facility to meet the anticipated growth in demand for service over the next 10 years; and*

(c) *The adequacy of the facility to ensure patient and staff safety, provide privacy during eligibility determination and examination, and enable an efficient movement of patients through service areas.*

(6) *The department shall include the estimated cost of the construction or renovation of each health unit on the list. This cost must be based on a professional assessment of the square footage needed to meet the demand for service and the prevailing cost of construction in the county in which the unit is to be built, including the cost of land, the cost for obtaining necessary permits, and the cost of outfitting the facility. Funds appropriated for construction and renovation of a public health unit facility may only be released by the department if the board of county commissioners of the county for which funds have been appropriated:*

(a) *Provides at least 25 percent of the cost of the project which may be a cash or an in-kind contribution, provided the value of any in-kind contribution, such as land, labor, or materials, is assessed at prevailing rates; or*

(b) *Agrees that any public health unit facility which is constructed or renovated, in whole or in part, with funds appropriated under this section will be used only for public health unit services, unless otherwise authorized by the department, that the county will not charge rent for use of the facility by the public health unit, and that the county will not attempt to sell such facility without the concurrence of the department.*

Such Funds when appropriated by the Legislature for public health unit construction or expansion projects shall be accounted for separately in from the Public Health Unit Trust Fund from revenues appropriated for public health unit services and under the terms and conditions established by the Legislature.

Section 38. This section and sections 29 through 37 of

(Renumber subsequent section.)

Senator Myers moved the following amendment which was adopted:

Amendment 3—In title, on page 2, line 9, through page 4, line 10, strike all of said language and insert: deputy secretaries; establishing programs in epilepsy control; amending s. 393.063, F.S.; removing epilepsy from the definition of developmental disability and providing a definition of "epilepsy"; amending s. 393.066, F.S.; removing epilepsy from the list of conditions included in community services and treatment for developmentally disabled persons; providing for the establishment, membership, duties, and duration of the Epilepsy Services Task Force; providing for transfer of rules; providing for substitution of parties in judicial or administrative proceedings; providing severability; providing effective dates.

Senator Thurman moved the following amendment which was adopted:

Amendment 4—In title, on page 4, line 9, after the semicolon (;) insert: amending s. 154.01, F.S.; providing additional requirements for funding requests submitted to the Legislature by the Department of Health and Rehabilitative Services for construction or expansion of public health units; providing criteria for releasing appropriated funds;

On motion by Senator Myers, by two-thirds vote CS for CS for CS for SB 19 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Malchon	Stuart
Brown	Grizzle	Margolis	Thomas
Childers, D.	Hair	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crenshaw	Jenne	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kiser	Plummer	
Girardeau	Langley	Ros-Lehtinen	
Gordon	Lehtinen	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Jennings

Reconsideration

On motion by Senator Myers, the Senate reconsidered the vote by which CS for CS for CS for SB 19 passed.

On motion by Senator Myers, by two-thirds vote the Senate reconsidered the vote by which CS for CS for CS for SB 19 was read the third time.

On motions by Senator Myers, the Senate reconsidered the vote by which Amendments 1 and 3 were adopted.

Senator Myers moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 5, between lines 7 and 8, insert:

Section 7. Subsection (5) is added to section 400.553, Florida Statutes, to read:

400.553 Exemptions.—The following shall be exempt from the provisions of this part:

(5) Any freestanding inpatient hospice facility licensed by the state which provides day care services to hospice patients only.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—In title, on page 1, line 22, after "Force;" insert: amending s. 400.553, F.S.; exempting certain hospice facilities from provisions requiring licensing of such centers;

Amendment 3 as amended was adopted.

On motion by Senator Myers, by two-thirds vote CS for CS for CS for SB 19 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

Consideration of **SB 999** and **CS for SB 642** was deferred.

On motions by Senator Kiser, by two-thirds vote CS for CS for HB's 306 and 436 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motion by Senator Kiser—

CS for CS for HB's 306 and 436—A bill to be entitled An act relating to consumer protection; amending s. 501.012, F.S., revising language with respect to a provision for cancellation of a contract for future health studio services; providing criteria which every health studio which sells contracts for health studio services must comply with during any period before opening for business and continuously thereafter; providing an exception for health studios which have operated for more than 3 years; requiring registration and annual revision of registration information; requiring notification to the Division of Consumer Services of the Department of Agriculture and Consumer Services when ownership of the studio changes or the studio is moved or closed; authorizing the division to take certain action when a violation of the law may have occurred; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 757 and read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for CS for HB's 306 and 436 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 742—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.0305, F.S.; revising uses of the proceeds of the charter county convention development tax; providing for tax refunds to municipalities and other authorities under specified circumstances; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 742 to conform the bill to HB 1162.

Pending further consideration of CS for SB 742 as amended, on motion by Senator Gordon, by two-thirds vote HB 1162 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Gordon, by two-thirds vote—

HB 1162—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.0305, F.S.; revising uses of the proceeds of the charter county convention development tax; providing an effective date.

—a companion measure, was substituted for CS for SB 742 and by two-thirds vote read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 1162 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Gordon	Langley	Thomas
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Plummer	
Frank	Johnson	Ros-Lehtinen	
Girardeau	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

On motion by Senator Jennings, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for HB 1673, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 1673—A bill to be entitled An act relating to health care; creating the "Affordable Health Care Assurance Act of 1988"; amending s. 154.01, F.S.; authorizing counties to relinquish public health facilities and equipment; amending s. 154.011, F.S.; modifying provisions relating to a system of primary care programs; amending s. 154.301, F.S.; renaming "The Florida Health Care Responsibility Act" as "The Florida Health Care Responsibility Act of 1988"; amending s. 154.302, F.S.; revising legislative intent; amending s. 154.304, F.S.; revising definitions; amending s. 154.306, F.S.; specifying financial responsibilities of hospitals and counties for certified residents who are qualified indigent patients; specifying county obligation per calendar year; providing duties of the Health Care Cost Containment Board and the Department of Health and Rehabilitative Services; amending s. 154.308, F.S.; requiring uniform statewide eligibility criteria; requiring that rules be adopted; increasing the time frame for determination of financial eligibility; providing for qualified indigents; authorizing counties to establish less restrictive financial eligibility thresholds; creating s. 154.309, F.S.; providing for certification of county of residence; providing minimum criteria; requiring certain notification to treating hospitals; amending s. 154.31, F.S.; specifying obligation of participating hospitals and regional referral hospitals to admit patients; providing penalties; creating s. 154.3105, F.S.; providing for rules; requiring a work group; providing membership criteria; requiring promulgation of certain rules; amending s. 154.312, F.S.; providing procedure for settlement of disputes; amending s. 154.314, F.S.; revising time frames for payment to hospitals; requiring the Comptroller to provide a quarterly accounting; amending s. 154.316, F.S.; providing conditions for reimbursement for treatment of patients; amending s. 154.331, F.S.; providing for establishment of independent health care special districts, with authority to levy ad valorem taxes; providing for appointment and powers and functions of governing boards; providing procedures and restrictions with respect to millage rates; providing for dissolution of districts; providing for compliance with statutory requirements; amending s. 200.001, F.S.; providing certain authority to independent health care special districts in described home rule charter counties; amending s. 381.702, F.S.; defining "multifacility project"; amending s. 381.703, F.S.; providing sources of funding for the local health councils and Statewide Health Council; amending ss. 381.705, 381.706, 381.709, and 381.710, F.S.; providing additional projects subject to certificate-of-need review; providing review criteria; modifying review process; extending validity period for certain certificates of need; creating chapter 407, F.S., relating to health care cost containment; renumbering ss. 395.5125 and 395.5135, F.S., and amending and renumbering ss. 395.501, 395.502, 395.5025, 395.503, 395.504, 395.5042, 395.505, 395.5051, 395.507, 395.508, 395.5085, 395.509, 395.5092, 395.5094, 395.511, 395.512, 395.513, 395.514, 395.515, and 395.52, F.S., formerly constituting part II of chapter 395, F.S.; chang-

ing short title; providing and changing definitions; providing legislative intent with respect to the Health Care Cost Containment Board, formerly the Hospital Cost Containment Board; revising administration, membership, and terms; modifying powers and duties; providing for effect of existing board rules; providing for submission of the board's final legislative budget request; requiring certain hospitals to submit budget information to the board; providing for additional research and analysis relating to health care costs; modifying contents of a report to the Legislature; revising provisions relating to consumer information; eliminating the Consumer Information Network; providing additional responsibilities of the Office of Technical Assistance; providing for quality assurance monitoring; revising provisions relating to review of hospital budgets; requiring hospitals not exceeding maximum allowable rate of increase to file a budget letter, rather than a detailed budget; allowing banking of percentage points for future use; providing review criteria and procedures; providing for budget amendments; providing for objections and hearing; providing exemptions for certain hospitals; providing a penalty; clarifying duty of the Public Counsel with respect to budget proceedings; providing an exemption for information relating to charges by certain physicians; requiring an annual report by health insurers relating to physician charges; requiring publication of specified information; conforming terminology; deleting obsolete language; creating s. 407.025, F.S.; providing immunity from liability for certain report or release of patient data; creating s. 407.10, F.S.; creating the consumer information and advisory council; amending and renumbering ss. 400.341, 400.343, 400.344, 400.345, and 400.346, F.S.; directing the board to make certain nursing home financial information available; correcting cross-references; conforming language; directing the board to contract with the State University System for certain studies; directing the board to conduct a study of the shortage of registered nurses in Florida; providing contents; providing for a technical assistance panel; requiring reports; providing for an appropriation; directing the board to undertake a study of the impact on and reimbursement for hospitals in providing services to migrant and rural farmworkers; providing for a report; amending s. 409.266, F.S.; authorizing certain use of moneys in the Public Medical Assistance Trust Fund; expanding Medicaid eligibility to certain persons; requiring a report; providing for increases in physician reimbursement; extending the length of stay for certain hospital services; amending s. 409.2661, F.S.; providing for additional primary care health training demonstration projects; increasing funding; amending s. 409.2662, F.S.; specifying additional uses of moneys in the Public Medical Assistance Trust Fund; amending s. 409.2663, F.S.; revising provisions for redistribution of surplus public medical assistance funds; providing for an accounting of funds; providing a methodology to qualify for funds; providing a timetable; amending s. 627.9175, F.S.; deleting requirement for certain reports by health insurers; creating the "Rural Hospital Act of 1988"; providing legislative intent and definitions; amending s. 154.011, F.S.; requiring certain primary care programs to utilize and coordinate with rural hospitals for outpatient services; providing for an appropriation to increase primary care physicians and nurses in rural areas; amending s. 409.266, F.S.; extending Medicaid funding to certain patients in rural areas; amending s. 410.016, F.S.; requiring the Department of Health and Rehabilitative Services to utilize rural hospitals in providing services to the aged; providing for a study of personnel shortages in rural hospitals; requiring a report; providing certain rulemaking authority; postponing Sunset repeal of s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; saving part II of chapter 395, F.S., from Sunset repeal; providing for future review and repeal; repealing s. 212.055(2), F.S., relating to an indigent care surtax in Hillsborough County; repealing s. 400.342, F.S., which provides definitions relating to nursing homes; providing appropriations; providing a directive to statute editors; providing effective dates.

House Amendment 1 to Senate Amendment 1—On page 58, lines 3 and 4, strike all of said lines and insert:

Section 36. *Subsection (3) of section 627.9175, Florida Statutes, and section 400.342, Florida Statutes, as amended by chapter 86-104, Laws of Florida, are hereby repealed.*

House Amendment 2 to Senate Amendment 1—On page 67, lines 12-16, strike all of said language and renumber subsequent paragraph.

House Amendment 3 to Senate Amendment 1—On page 69, between lines 14 and 15, insert:

(10) *Nothing in this section shall limit, restrict, affect, or control the collection, analysis, release or publication of data pursuant to the Health Care Cost Containment Act of 1988, or by any state agency pursuant to its statutory authority, duties or responsibilities.*

House Amendment 4 to Senate Amendment 1—On page 69, between lines 14 and 15, insert:

Section 40. *In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee shall change "Hospital Cost Containment Board" to "Health Care Cost Containment Board" wherever that term appears in the Florida Statutes, and shall exercise its authority under s. 11.242(5)(g), Florida Statutes, to renumber the references to sections and subsections which have been renumbered by this act, so that they will agree with such renumbering.*

(Renumber subsequent section.)

House Amendment 1 to Senate Amendment 2—On page 3, line 21, after the semicolon insert: repealing s. 627.9175(3), F.S., deleting certain reports by health insurers;

House Amendment 2 to Senate Amendment 2—On page 4, line 4, after the second semicolon insert: providing for continuation of existing authority for data collection, by other state agencies;

House Amendment 3 to Senate Amendment 2—On page 4, line 4, after the second semicolon insert: providing directive to statute editors;

Senator Jennings moved the following amendment to House Amendment 4 to Senate Amendment 1 which was adopted:

Amendment 1—On page 1, strike all of lines 13-21 and insert:

Section 40. *The Statutory Revision Division of the Joint Legislative Management Committee shall prepare a reviser's bill for submission to the 1989 regular session of the Legislature to replace references to the "Hospital Cost Containment Board" wherever they appear in the Florida Statutes with references to the "Health Care Cost Containment Board" and to conform cross-references in the Florida Statutes to the renumbering of sections and subunits of sections of the Florida Statutes made by this act.*

On motions by Senator Jennings, the Senate concurred in House Amendments 1, 2 and 3 to Senate Amendment 1; concurred in House Amendment 4 to Senate Amendment 1 as amended and the House was requested to concur in the Senate Amendment; and concurred in House Amendments 1, 2 and 3 to Senate Amendment 2.

CS for HB 1673 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

The hour of 4:00 p.m. having arrived, the Senate proceeded to consideration of—

CONSENT CALENDAR

HB 642—A bill to be entitled An act relating to obstruction of justice; amending s. 843.08, F.S.; increasing the penalty for falsely personating a law enforcement officer, including a state attorney investigator and enhancing such penalty if false personation as a police officer occurs during the commission of a felony; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote HB 642 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Barron	Frank	Johnson	Ros-Lehtinen
Beard	Girardeau	Kiser	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hollingsworth	Meek	Thurman
Crenshaw	Jenne	Myers	Weinstock
Dudley	Jennings	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Langley

CS for CS for CS for SB 1164—A bill to be entitled An act relating to transportation; amending s. 20.04, F.S.; exempting the Department of Transportation from adhering to the standard terms for its internal structure; amending s. 20.23, F.S.; reorganizing the department; specifying the titles and duties of certain employees of the department; amending s. 110.205, F.S.; specifying classifications for certain employees exempted from the Career Service System; amending s. 334.14, F.S.; requiring that certain employees of the department be professional engineers; providing conforming language; amending s. 288.15, F.S.; providing conforming language; amending s. 316.515, F.S.; providing conforming language; amending s. 332.001, F.S.; providing conforming language; amending s. 348.52, F.S.; specifying composition of the governing board of the Tampa-Hillsborough County Expressway Authority; amending s. 348.753, F.S.; specifying composition of the governing board of the Orlando-Orange County Expressway Authority; amending s. 348.967, F.S.; specifying composition of the governing board of the Santa Rosa Bay Bridge Authority; amending s. 349.03, F.S.; specifying composition of the governing board of the Jacksonville Transportation Authority; creating s. 334.065, F.S.; establishing the Florida Center for Urban Transportation Research; providing the role of the center; providing for a steering committee; repealing ss. 334.18 and 334.19, F.S., relating to the employment of legal counsel and a comptroller by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for CS for CS for SB 1164 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Beard	Girardeau	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Margolis	Stuart
Childers, W. D.	Hollingsworth	McPherson	Thurman
Crenshaw	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany

Yea to Nay—Hollingsworth

CS for CS for SB 538—A bill to be entitled An act relating to drivers' licenses; amending s. 322.261, F.S.; providing a separate procedure for a juvenile or child with respect to the suspension of a driver's license for refusal to submit to breath, urine, or blood test for impairment or for having a certain blood alcohol level; providing for a hearing; providing notice of the decision; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote CS for CS for SB 538 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Childers, W. D.	Girardeau	Hair
Beard	Crenshaw	Gordon	Hill
Brown	Dudley	Grant	Hollingsworth
Childers, D.	Frank	Grizzle	Jenne

Jennings	Margolis	Plummer	Thurman
Johnson	McPherson	Ros-Lehtinen	Weinstein
Kiser	Meek	Scott	Weinstock
Lehtinen	Myers	Stuart	Woodson
Malchon	Peterson	Thomas	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Langley

CS for SB 5—A bill to be entitled An act relating to public parking; amending ss. 316.1964, 320.0842, F.S.; exempting certain disabled persons from payment of certain fees and penalties exacted for parking in a parking facility that is open on a general basis to the public and that is owned or operated by a state agency, a county, a municipality, or a political subdivision thereof; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendment which was adopted:

Amendment 1—On page 1, line 27, after "s. 320.0842" insert: *or s. 320.0845*

On motion by Senator D. Childers, by two-thirds vote CS for SB 5 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Crenshaw	Hill	McPherson	Weinstock
Deratany	Hollingsworth	Meek	Woodson
Dudley	Jenne	Myers	
Frank	Jennings	Peterson	
Girardeau	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

CS for SB 1007—A bill to be entitled An act relating to foster care facilities and group home facilities; creating s. 393.075, F.S.; requiring the Division of Risk Management of the Department of Insurance to provide liability insurance to certain persons who own or operate foster care facilities or group home facilities; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for SB 1007 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Girardeau	Johnson	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crenshaw	Hill	McPherson	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Peterson	Woodson
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

CS for SB 1218—A bill to be entitled An act relating to beer and malt beverages; amending s. 563.06, F.S.; revising labeling requirements for taxable malt beverages that are packaged in bottles or cans for resale in the state; providing an additional method of applying the required stamp; providing that the stamp may be applied to the bottom of a can; revising the size requirement of the stamp; authorizing the use of an abbreviation; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 1218 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Girardeau	Johnson	Stuart
Beard	Gordon	Kiser	Thomas
Brown	Grant	Malchon	Thurman
Childers, D.	Grizzle	Margolis	Weinstein
Childers, W. D.	Hair	Meek	Weinstock
Crenshaw	Hill	Myers	Woodson
Deratany	Hollingsworth	Peterson	
Dudley	Jenne	Ros-Lehtinen	
Frank	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

HB 1302—A bill to be entitled An act relating to road designation; designating and naming the section of State Road 13 from Sunbeam Road south to Julington Creek in Duval County as the Mandarin Parkway; providing for appropriate markers to be erected by the Department of Transportation; relating to bridge designation; designating the bridge over the Suwannee River at Fanning Springs in Dixie and Gilchrist Counties as the Joe H. Anderson, Sr., Bridge; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1302 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

CS for CS for CS for SB 634—A bill to be entitled An act relating to victims of crime; creating the Victims' Rights Act of 1988; amending s. 775.089, F.S.; revising the standards under which a court may limit restitution to a victim of a crime; requiring a court to order certain types of restitution when a victim has suffered bodily injury; requiring a court to consider additional factors in determining the amount of restitution; requiring an order for income deduction; amending s. 914.21, F.S.; providing a definition; amending s. 914.22, F.S.; prohibiting tampering with a witness, victim, or informant in an official investigation; providing penalties; amending s. 921.001, F.S.; requiring the Sentencing Commission to consider additional factors in developing statewide sentencing guidelines; specifying facts which a court may consider in imposing a sentence that is outside such guidelines; amending s. 921.187, F.S.; providing conforming language; creating s. 943.172, F.S.; requiring the Criminal Justice Standards and Training Commission of the Department of Law Enforcement to establish standards and require a specified amount of instruction for law enforcement officers in victims assistance and rights; amending s. 944.512, F.S.; revising the specified distribution of the proceeds of the sale by a convicted felon of an account of his crime; providing for attachment of a lien on such proceeds; extending the lien to accounts of crimes by persons; amending s. 944.605, F.S.; revising notification requirements of an inmate's anticipated release from incarceration or a person's anticipated release from parole; amending s. 947.06, F.S.; authorizing victims of crime to make certain statements before the Parole and Probation Commission; requiring the commission to adopt rules governing such statements; amending s. 948.03, F.S.; providing conforming language; amending s. 945.091, F.S.; providing that the Department of Corrections may require restitution be made from an inmate's employment proceeds; amending s. 960.001, F.S.; providing implementing language conforming

to the provisions of a proposed constitutional amendment; deleting provisions requiring that certain notification be given to a witness of a crime; requiring that notification of certain judicial proceedings be given to a victim and a relative of certain victims; authorizing the state attorney to consult a victim or a victim's guardian or family regarding the sentencing of a person accused of the crime; providing that a victim be notified of certain additional rights; providing for a victim's rights information card or brochure; requiring the Governor to advise state agencies of certain statutory changes; deleting provisions requiring that an explanation be provided to the Governor if certain objectives are not achieved by an agency; requiring the Executive Office of the Governor to review guidelines for the fair treatment of victims adopted by specified agencies; providing for injunctive relief; providing that victims and witnesses are not required to attend certain discovery depositions; creating s. 960.002, F.S.; authorizing the creation of a direct-support organization, with the approval of the Governor, to provide assistance to victims of crime; providing requirements for the operation, financial records, and accounts of such organization; amending ss. 39.19, 960.17, 960.20, F.S.; assessing specified costs against a juvenile, who has committed a delinquent act, for deposit to the Juvenile Justice-Crime Victim Trust Fund; requiring a juvenile who is placed on community control to pay compensation to the Crimes Compensation Trust Fund; creating s. 960.211, 960.29, 960.30, F.S.; creating the "Juvenile Justice-Crime Victim Trust Fund" and providing for the distribution of money from the fund; authorizing the Department of Labor and Employment Security to administer a crime victim assistance program and the trust fund; providing guidelines to determine priority of crime victim assistance grants from the trust fund; creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; limiting the authority of the direct-support organization with respect to the receipt of funds; providing effective dates; providing a conditional effective date.

—was read the second time by title.

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 1—On page 39, strike all of lines 15-24 and insert:

Section 23. Legislative intent.—The Legislature recognizes the need for a secure placement for certain youth alleged to have committed a delinquent act. The Legislature also recognizes that for detention to fulfill its intended role in the juvenile justice system, under the provisions of part I of chapter 39, Florida Statutes, it must operate at the highest standards of effectiveness and efficiency. These facts underscore the need to reduce the overcrowding in detention, the need to reduce inappropriate placements in detention, the need for appropriate preadjudication services, the need for qualified, well trained staff and a commitment to meet nationally recognized standards and practices. In achieving these goals it is the intent of the Legislature that detention under the provisions of part I of chapter 39, Florida Statutes, be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. It is further the intent of the Legislature that decisions to detain be based in part on a prudent assessment of risk.

Section 24. Section 39.032, Florida Statutes, is amended to read:

39.032 Detention.—

(1) The intake officer shall receive custody of the child from the law enforcement agency and shall review the facts in the law enforcement report or complaint and make such further inquiry as may be necessary to determine whether detention care is required. During the period of time from the taking of the child into custody by the department to the date of the detention hearing, the initial decision as to the child's *placement in secure detention or nonsecure detention* or release from custody shall be made jointly by the intake officer and the law enforcement agency that took custody of the child. *The intake officers shall base their decision to detain on an assessment of risk in accordance with procedures developed by the department and the criteria in subsection (2).* If the intake officer and the law enforcement agency disagree as to whether the criteria for detention are met or as to whether secure detention or nonsecure detention should be required, the department shall contact

the state attorney, who shall decide, on a case by case basis, whether the child shall be detained and whether the child shall be placed in secure detention or on nonsecure detention. If the intake officer or the law enforcement agency, or both, determine that a child who meets the criteria in subsection (2) should be released, the intake officer shall contact the state attorney, who may authorize release. If detention care is not authorized, the child may be released by the intake officer in accordance with s. 39.03(2). Under no circumstances shall the intake officer or the state attorney authorize the detention of any child in a jail or other facility intended or used for the detention of adults.

(2) Subject to the provisions of subsection (1), a child taken into custody ~~may shall~~ be placed on *nonsecure detention* or detained in *secure detention* care prior to a *detention hearing disposition* by the court if:

(a) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a felony;

(b) The child is alleged to be an escapee or absconder from detention care, probation, parole, furlough, a community control program, a delinquency commitment program, or the custody of a law enforcement agency in this or any other state;

(c) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony, or misdemeanor in such jurisdiction;

(d) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law and requests protection in circumstances that appear to present an immediate threat to his personal safety and there are no crisis or shelter homes available in which to place the child. Such a child shall be released upon the child's request;

(e) The child is alleged to have committed an offense which, if committed by an adult, would be a crime of violence; or

(f) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law, and any of the following applies:

1. The child is already detained or has been released and is awaiting a hearing on another case;

2. There are reasonable grounds to believe that the child will fail to appear at any hearing;

3. The child has previously been found to have committed a delinquent act involving a crime of violence;

4. The child has previously been found to have committed a delinquent act which is defined by state law as a felony;

5. The child has previously been found to have committed a delinquent act involving property;

6. The child is presently in a community control program or committed to the department; or

7. There are reasonable grounds to believe that the child may physically harm or has threatened to physically harm witnesses, victims, other persons, or property.

A child who is detained under this subsection ~~or subsection (3)~~ shall be given a detention hearing within 24 hours of his being taken into custody to determine the existence of probable cause to believe that the child has committed such delinquent act or violation of law and the need for continued detention. *The court shall consider the results of the intake officer's assessment of risk and the criteria in subsection (3) in determining the need for continued detention.* The circuit court, or the county court if previously designated by order of the chief judge of the circuit court, shall hold the detention hearing.

(3) ~~Notwithstanding the criteria in subsection (2), A child may be placed on nonsecure detention or detained in a secure or nonsecure detention subject to the provisions of subsection (2) may continue to be detained by the court if: facility if the child is alleged or found to be in contempt of court.~~

(a) *The child is an escapee, from a commitment program or an absconder from a community control program, or furlough/aftercare supervision or the child is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law;*

(b) *The child requests protection, through appointed counsel, in circumstances that appear to present an immediate threat to his personal safety;*

(c) *The child is charged with a capital felony, life felony, or felony of the first degree; or a crime of violence, e.g., murder in the third degree, manslaughter, sexual battery, robbery, aggravated battery, or aggravated assault; or the child is charged with two or more serious property crimes arising out of separate transactions;*

(d) *The child is charged with a serious property crime as defined in s. 810.02(2) and (3); or with the possession, sale, or manufacture of or trafficking in a controlled substance, which if committed by an adult would be a felony, and:*

1. *He is already detained or has been released and is awaiting final disposition of his case;*

2. *He has a record of failure to appear at court hearings;*

3. *He has a record of law violations prior to court hearings;*

4. *He has a record of violent conduct resulting in physical injury to others; or*

5. *He has a record of adjudications for serious property offenses.*

(e) *Notwithstanding the provisions of subsection (3), the court may detain a child through a written order when the court considers the child a clear and present danger to himself or the community. The written order shall specify the need for detention and the benefits derived by the child or the community by placement in detention. Such placement in secure detention shall not be contrary to s. 39.0321.*

(4) Except in emergency situations, a child shall not be placed or transported in any police car or other similar vehicle which at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(5) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this chapter; or

(b) When a child taken into custody in this state is wanted by another jurisdiction as an adult; or

(c) When the court determines, upon a motion by ~~the recommendation of the superintendent of the detention home, and after affording the child a hearing within 24 hours of the superintendent's motion that the child is beyond the control of the detention home staff. For juveniles transferred to county detention facilities pursuant to this subsection, the department shall reimburse the county detention facility the average cost per day for housing a person as established by the Department of Corrections. The county detention facility may treat such reimbursement as a current refund for operational costs if expended within the same fiscal year.~~

If the child is being held in detention by order of the court solely for an allegation of, or a finding of, contempt of court for a violation of a dependency or a child in need of services court order, the child shall not be delivered to a jail or other facility intended for the detention of adults. The receiving facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more children in the same cell. Under no circumstances shall a child be placed in the same cell as an adult.

(6)(a) No child shall be placed on *nonsecure detention* or held in *secure detention* care or shelter care longer than 24 hours unless the court orders *nonsecure or secure detention* care or shelter care in accordance with the provisions of ~~subsection (2) or~~ subsection (3). The decision as to the release of the child from *nonsecure or secure detention* care or from shelter care shall be made by the court. The order shall be a final order and shall be reviewable by appeal pursuant to s. 39.14 and the Florida Appellate Rules.

(b) No child shall be held in *nonsecure or secure detention* care or a crisis home under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) No child shall be held in *nonsecure* or *secure* detention care or a crisis home for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.11 has been entered by the court or unless a continuance, which shall not exceed 15 days, has been granted for good cause. The detention home superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for good cause shown on motion of the child or his counsel or of the state, or upon motion of the court.

(7) When any child is placed in *nonsecure* detention or in *secure* detention or shelter care or a crisis home pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the department or institution having custody of the child fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(8) *If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with Florida Rules of Juvenile Procedure within 48 hours of the filing of the petition for delinquency.*

Section 25. Section 39.0321, Florida Statutes, is created to read:

39.0321 Prohibited use of secure detention.—A child alleged to have committed a delinquent act shall not be placed in secure detention for the following conditions:

- (1) To punish, treat, or rehabilitate the child.
- (2) To allow a parent to avoid the parent's legal responsibility.
- (3) To permit more convenient administrative access to the juvenile.
- (4) To facilitate further interrogation or investigation.
- (5) Due to a lack of more appropriate facilities.

Section 26. Except for sections 15, 16, 17, 18, 19, 20, 23, 24, and 25, which shall take effect October 1, 1988; except for this section, which shall take effect upon becoming a law; and except for sections 21 and 22, which shall take effect July 1, 1988, or upon becoming a law, whichever occurs later, this act shall take effect upon the effective date of the amendment to the State Constitution contained in Senate Joint Resolution No. 135, which is to be submitted to the electors of this state for approval at the general election to be held in November 1988.

Amendment 2—In title, on page 1, line 1, through page 4, line 12, strike all of said lines and insert: A bill to be entitled An act relating to crime; creating the Victims' Rights Act of 1988; amending s. 775.089, F.S.; revising the standards under which a court may limit restitution to a victim of a crime; requiring a court to order certain types of restitution when a victim has suffered bodily injury; requiring a court to consider additional factors in determining the amount of restitution; requiring an order for income deduction; amending s. 914.21, F.S.; providing a definition; amending s. 914.22, F.S.; prohibiting tampering with a witness, victim, or informant in an official investigation; providing penalties; amending s. 921.001, F.S.; requiring the Sentencing Commission to consider additional factors in developing statewide sentencing guidelines; specifying facts which a court may consider in imposing a sentence that is outside such guidelines; amending s. 921.187, F.S.; providing conforming language; creating s. 943.172, F.S.; requiring the Criminal Justice Standards and Training Commission of the Department of Law Enforcement to establish standards and require a specified amount of instruction for law enforcement officers in victims assistance and rights; amending s. 944.512, F.S.; revising the specified distribution of the proceeds of the sale by a convicted felon of an account of his crime; providing for attachment of a lien on such proceeds; extending the lien to accounts of crimes by persons; amending s. 944.605, F.S.; revising notification requirements of an inmate's anticipated release from incarceration or a person's anticipated release from parole; amending s. 947.06, F.S.; authorizing victims of crime to make certain statements before the Parole and Probation Commission; requiring the commission to adopt rules governing such statements; amending s. 948.03, F.S.; providing conforming language;

amending s. 945.091, F.S.; providing that the Department of Corrections may require restitution be made from an inmate's employment proceeds; amending s. 960.001, F.S.; providing implementing language conforming to the provisions of a proposed constitutional amendment; deleting provisions requiring that certain notification be given to a witness of a crime; requiring that notification of certain judicial proceedings be given to a victim and a relative of certain victims; authorizing the state attorney to consult a victim or a victim's guardian or family regarding the sentencing of a person accused of the crime; providing that a victim be notified of certain additional rights; providing for a victim's rights information card or brochure; requiring the Governor to advise state agencies of certain statutory changes; deleting provisions requiring that an explanation be provided to the Governor if certain objectives are not achieved by an agency; requiring the Executive Office of the Governor to review guidelines for the fair treatment of victims adopted by specified agencies; providing for injunctive relief; providing that victims and witnesses are not required to attend certain discovery depositions; creating s. 960.002, F.S.; authorizing the creation of a direct-support organization, with the approval of the Governor, to provide assistance to victims of crime; providing requirements for the operation, financial records, and accounts of such organization; amending ss. 39.19, 960.17, 960.20, F.S.; assessing specified costs against a juvenile, who has committed a delinquent act, for deposit to the Juvenile Justice-Crime Victim Trust Fund; requiring a juvenile who is placed on community control to pay compensation to the Crimes Compensation Trust Fund; creating s. 960.211, 960.29, 960.30, F.S.; creating the "Juvenile Justice-Crime Victim Trust Fund" and providing for the distribution of money from the fund; authorizing the Department of Labor and Employment Security to administer a crime victim assistance program and the trust fund; providing guidelines to determine priority of crime victim assistance grants from the trust fund; creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; limiting the authority of the direct-support organization with respect to the receipt of funds; providing legislative intent; amending s. 39.032, F.S.; changing detention procedures to authorize nonsecure detention in certain situations; changing the provisions for detention at a detention hearing; providing arraignment requirements; creating s. 39.0321, F.S.; providing for the prohibited use of detention; providing effective dates; providing a conditional effective date.

On motion by Senator Lehtinen, by two-thirds vote CS for CS for CS for SB 634 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Kirkpatrick	Scott
Brown	Grant	Kiser	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crenshaw	Hill	Margolis	Weinstock
Deratany	Hollingsworth	McPherson	Weinstock
Dudley	Jenne	Meek	Woodson
Frank	Jennings	Peterson	
Girardeau	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

On motion by Senator Kirkpatrick, by unanimous consent—

SB 184—A bill to be entitled An act relating to county officers; amending s. 145.022, F.S.; prescribing applicability and duration of resolutions of boards of county commissioners which guarantee and appropriate salaries to certain county officials; authorizing boards of county commissioners to rescind such resolutions under certain conditions; amending s. 195.087, F.S.; requiring tax collectors to submit their budgets to the Department of Revenue for approval; providing exceptions; repealing certain special acts and general acts of local application; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	Meek	Weinstein
Crenshaw	Hollingsworth	Myers	Weinstock
Deratany	Jenne	Peterson	Woodson
Dudley	Jennings	Plummer	
Frank	Johnson	Ros-Lehtinen	
Girardeau	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Crawford

Reconsideration

On motion by Senator Hollingsworth, the Senate reconsidered the vote by which CS for SB 1007 passed this day.

On motion by Senator Hollingsworth, by two-thirds vote the Senate reconsidered the vote by which CS for SB 1007 was read the third time.

On motions by Senator Hollingsworth, by two-thirds vote HB 1516 was withdrawn from the Committees on Health and Rehabilitative Services; and Commerce.

On motions by Senator Hollingsworth, by two-thirds vote—

HB 1516—A bill to be entitled An act relating to foster care facilities and group home facilities; creating s. 393.075, F.S.; providing a definition; requiring the Division of Risk Management of the Department of Insurance to provide liability insurance to certain individuals who own or operate foster care facilities or group home facilities; providing for limits; providing applicability; providing an effective date.

—a companion measure, was substituted for CS for SB 1007 and by two-thirds vote read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 1516 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Grizzle	Lehtinen	Stuart
Brown	Hair	Malchon	Thomas
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	
Gordon	Kirkpatrick	Ros-Lehtinen	
Grant	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany

On motions by Senator Dudley, by two-thirds vote CS for HB 1048 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Dudley—

CS for HB 1048—A bill to be entitled An act relating to regulation of professions; amending s. 455.225, F.S., relating to disciplinary proceedings; providing conditions for investigation of anonymous complaints; providing an effective date.

—a companion measure, was substituted for CS for SB 846 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 1048 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crenshaw	Hill	Meek	Weinstein
Deratany	Hollingsworth	Myers	Weinstock
Dudley	Jenne	Peterson	Woodson
Frank	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which—

SB 184—A bill to be entitled An act relating to county officers; amending s. 145.022, F.S.; prescribing applicability and duration of resolutions of boards of county commissioners which guarantee and appropriate salaries to certain county officials; authorizing boards of county commissioners to rescind such resolutions under certain conditions; amending s. 195.087, F.S.; requiring tax collectors to submit their budgets to the Department of Revenue for approval; providing exceptions; repealing certain special acts and general acts of local application; providing an effective date.

—passed this day.

On motion by Senator Thurman, by two-thirds vote the Senate reconsidered the vote by which SB 184 was read the third time.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Thurman and adopted:

Amendment 1—On page 3, line 4, strike the period (.) and insert: *or in any charter county where the charter specifically provides for a different method for the submission of the tax collector's budget.*

On motion by Senator Thurman, by two-thirds vote SB 184 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Hair	Lehtinen	Stuart
Childers, W. D.	Hill	Malchon	Thomas
Crenshaw	Hollingsworth	Margolis	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Frank, by two-thirds vote CS for HB 1203 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Frank, by two-thirds vote—

CS for HB 1203—A bill to be entitled An act relating to the Florida Real Estate Time-Sharing Act; amending s. 617.028, F.S.; including a time-share managing entity within a list of groups exempt from the definition of the term "director"; amending s. 721.13, F.S.; providing additional powers for the managing entity of a time-share plan; providing penalties; amending s. 721.15, F.S.; requiring notice to the managing entity of a time-share plan of a transfer of an interest in a time-share estate or time-share license; amending s. 721.16, F.S.; providing a time frame with respect to liens for overdue assessments and mechanics' liens; providing an effective date.

—a companion measure, was substituted for CS for SB 1359 and by two-thirds vote read the second time by title.

Further consideration of **CS for HB 1203** was deferred.

SB 944—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.08, F.S.; providing that it is illegal to possess certain food fish damaged by explosives; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Girardeau and adopted:

Amendment 1—On page 1, strike all of lines 19 and 20 and insert: *the possession of explosive devices and headless jewfish, amberjack, or grouper is prima facie evidence*

On motion by Senator Girardeau, by two-thirds vote SB 944 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Lehtinen	Stuart
Crenshaw	Hill	Malchon	Thomas
Deratany	Hollingsworth	Margolis	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Jennings	Myers	Woodson
Girardeau	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford

SB 608—A bill to be entitled An act relating to education; amending s. 228.195, F.S.; requiring district school boards to establish school breakfast programs; providing requirements; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 608 to conform the bill to HB 1182.

Pending further consideration of SB 608 as amended, on motion by Senator Gordon, by two-thirds vote HB 1182 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Gordon—

HB 1182—A bill to be entitled An act relating to education; amending s. 228.195, F.S.; requiring district school boards to establish school breakfast programs; providing an exemption under certain circumstances; providing requirements; providing an effective date.

—a companion measure, was substituted for SB 608 and read the second time by title.

Further consideration of **HB 1182** was deferred.

CS for SB 99—A bill to be entitled An act relating to retired justices and judges assigned to temporary judicial duty; amending s. 25.073, F.S.; changing the rate of compensation of such justices and judges; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 99 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Childers, W. D.	Frank	Hill
Beard	Crenshaw	Gordon	Hollingsworth
Brown	Deratany	Grant	Jenne
Childers, D.	Dudley	Grizzle	Jennings

Johnson	Margolis	Plummer	Thurman
Kirkpatrick	McPherson	Ros-Lehtinen	Weinstein
Langley	Meek	Scott	Weinstock
Lehtinen	Myers	Stuart	Woodson
Malchon	Peterson	Thomas	

Nays—None

Vote after roll call:

Yea—Crawford, Girardeau

On motion by Senator Grizzle, by two-thirds vote CS for HB 998 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Grizzle, by two-thirds vote—

CS for HB 998—A bill to be entitled An act relating to energy resources; amending s. 377.22, F.S.; authorizing the Department of Natural Resources to adopt rules to require a reasonable bond with respect to certain geophysical exploration; amending s. 377.2424, F.S.; authorizing forms of security, other than a bond, with respect to exploration for oil, gas, or minerals by means of geophysical activities; creating s. 377.2425, F.S.; providing the manner of providing security for geophysical exploration, drilling, and production; creating s. 377.2411, F.S.; providing for lawful right to drill, develop, or explore; amending s. 253.55, F.S.; defining the word "term"; providing an effective date.

—a companion measure, was substituted for CS for SB 1376 and by two-thirds vote read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for HB 998 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Gordon	Kirkpatrick	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Woodson
Frank	Jennings	Peterson	
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

CS for HB 925—A bill to be entitled An act relating to the district school system; creating s. 232.2452, F.S.; encouraging school districts to establish report card pick-up days; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote CS for HB 925 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Hill	Lehtinen	Ros-Lehtinen
Brown	Hollingsworth	Malchon	Scott
Childers, W. D.	Jenne	Margolis	Stuart
Deratany	Jennings	McPherson	Thomas
Dudley	Johnson	Meek	Thurman
Girardeau	Kirkpatrick	Myers	Weinstein
Grizzle	Kiser	Peterson	Weinstock
Hair	Langley	Plummer	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Crenshaw

SB 923—A bill to be entitled An act relating to the investment of state funds; amending s. 215.47, F.S.; providing for revised rating criteria for municipal and corporate interest-bearing obligations; repealing s. 215.46, F.S.; relating to representation of the State Board of Administration by the Attorney General in the collection of certain defaulted investments; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 923 to conform the bill to HB 1508.

Pending further consideration of SB 923 as amended, on motion by Senator Hollingsworth, by two-thirds vote HB 1508 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Hollingsworth, by two-thirds vote—

HB 1508—A bill to be entitled An act relating to investment of state funds; repealing s. 215.46, F.S., relating to duties of the Attorney General with respect to collection of defaulted investments; amending s. 215.47, F.S.; providing revised rating criteria for certain government and corporate interest-bearing obligations; providing an effective date.

—a companion measure, was substituted for SB 923 and by two-thirds vote read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 1508 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

On motions by Senator Jenne, by two-thirds vote CS for HB 949 was withdrawn from the Committees on Economic, Community and Consumer Affairs; Governmental Operations; and Rules and Calendar.

On motion by Senator Jenne—

CS for HB 949—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; authorizing counties and municipalities to adopt ordinances prohibiting the appearance of former officers or employees before certain county or municipal bodies after cessation of employment or termination of office for a specified period; amending s. 111.011, F.S.; revising the limit on the value of contributions which must be reported in the annual gift disclosure statement elected public officers file; exempting certain gifts; amending s. 112.3144, F.S.; directing the Commission on Ethics to prepare forms for compliance and a list of persons requiring to file full and public disclosure of financial interests; providing for notice to such persons by the Secretary of State and notice to the commission of persons who fail to file; providing certain exemptions; providing an effective date.

—a companion measure, was substituted for CS for SB 834 and read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for HB 949 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Plummer
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

CS for SB 547—A bill to be entitled An act relating to airport zoning; amending s. 333.01, F.S.; redefining the term "airport hazard" and defining the terms "airport layout plan" and "obstruction"; amending s. 333.02, F.S.; providing clarifying language with respect to airport hazards; amending s. 333.025, F.S.; revising language with respect to airports

affected under law requiring permits for structures exceeding federal obstruction standards; providing additional criteria for permit issuance; amending s. 333.03, F.S.; requiring airport regulations to require obstruction marking and lighting for certain structures; amending s. 333.07, F.S.; providing timeframes with respect to actions taken for airport variances; providing for appeal by the Department of Transportation; providing for obstruction marking and lighting; amending s. 333.08, F.S.; providing clarifying language with respect to appeals to refer to the Department of Transportation; amending s. 333.11, F.S.; revising language with respect to judicial review; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 547 to conform the bill to CS for HB 940.

Pending further consideration of CS for SB 547 as amended, on motion by Senator Jennings, by two-thirds vote CS for HB 940 was withdrawn from the Committee on Transportation.

On motion by Senator Jennings—

CS for HB 940—A bill to be entitled An act relating to airport zoning; amending s. 333.01, F.S.; redefining the term "airport hazard" and defining the terms "airport layout plan" and "obstruction"; amending s. 333.02, F.S.; providing clarifying language with respect to airport hazards; amending s. 333.025, F.S.; revising language with respect to airports affected under law requiring permits for structures exceeding federal obstruction standards; providing additional criteria for permit issuance; amending s. 333.03, F.S.; requiring airport regulations to require obstruction marking and lighting for certain structures; amending s. 333.07, F.S.; providing time frames with respect to actions taken for airport variances; providing for appeal by the Department of Transportation; providing for obstruction marking and lighting; amending s. 333.08, F.S.; providing clarifying language with respect to appeals to refer to the Department of Transportation; amending s. 333.11, F.S.; revising language with respect to judicial review; providing an effective date.

—a companion measure, was substituted for CS for SB 547 and read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 940 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Beard	Girardeau	Kiser	Plummer
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hill	Malchon	Stuart
Crawford	Hollingsworth	Margolis	Thomas
Crenshaw	Jenne	McPherson	Thurman
Deratany	Jennings	Meek	Weinstein
Dudley	Johnson	Myers	Weinstock
Frank	Kirkpatrick	Peterson	Woodson

Nays—None

CS for HB 74—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.20, F.S.; providing an exemption to the limitation upon special alcoholic beverage licenses to permit the issuance of a license to certain chartered or incorporated clubs; amending s. 561.25, F.S., authorizing certain certified law enforcement officers to be employed at certain business establishments licensed under the Beverage Law under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Johnson and adopted:

Amendment 1—On page 3, line 1, strike "subsection (3)" and insert: *this section*

Amendment 2—On page 3, line 5, strike "in a non-law-enforcement capacity"

Senator Margolis moved the following amendments which were adopted:

Amendment 3—On page 1, strike lines 16-18, and insert:

Section 1. Paragraphs (a) and (h) of subsection (2) and paragraph (c) of subsection (7) of section 561.20, Florida Statutes, are amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 100 guest rooms; or any bona fide hotel or motel of fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants, and which is listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, or is within and contributes to a registered historic district pursuant to 26 U.S.C. 48(g)(3)(B), or has been found to meet the criteria of historical significance of the Division of Historical Resources of the Department of State, as certified by that division or by a locally established historic preservation board or commission, or like body, which has been granted authority to designate historically significant properties by the jurisdiction within which the hotel or motel is located; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; or

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; or

4. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full-course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed. However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

(h) In addition to any special licenses issued under the Beverage Law, the division may issue a special license for consumption on the premises only to any civic center authority or sports arena authority which is authorized by state law or by a local government ordinance or which civic center or sports arena is otherwise owned by a political subdivision of this state, hereinafter "civic center." The license may be transferred to a

qualified applicant authorized by contract with the authority civic center to provide food service for the facility civic center. The license shall at all times remain the exclusive property of the authority civic center, and upon termination by any manner of the contract between the authority civic center and the applicant concerning the furnishing of food service, the license shall revert to the authority civic center by operation of law.

Amendment 4—In title, on page 1, line 3, after the semicolon (;) insert: providing an additional exception for specified counties to the limitation upon the number of beverage licenses that may be issued; providing for beverage licenses to be issued to sports arena authorities;

On motion by Senator Johnson, by two-thirds vote CS for HB 74 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Gordon	Johnson	Myers
Brown	Grant	Kirkpatrick	Peterson
Childers, W. D.	Grizzle	Kiser	Ros-Lehtinen
Crenshaw	Hair	Lehtinen	Scott
Deratany	Hill	Malchon	Stuart
Dudley	Hollingsworth	Margolis	Thomas
Frank	Jenne	McPherson	Thurman
Girardeau	Jennings	Meek	Weinstein

Nays—2

Childers, D. Langley

On motions by Senator McPherson, by two-thirds vote HB 593 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator McPherson, by unanimous consent—

HB 593—A bill to be entitled An act relating to vessel registration fees; providing legislative intent; amending s. 327.11, F.S.; increasing fees for transfer of registration of a vessel; providing for decals to replace lost or misplaced vessel decals; providing a fee; increasing fees for duplicate registration certificates; increasing fees for reclassification of a vessel; amending s. 327.25, F.S.; increasing vessel registration fees; providing for optional registration dates; providing a penalty; providing effective dates.

—a companion measure, was taken up out of order, substituted for SB 323 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 593 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hill	Malchon	Thomas
Childers, W. D.	Hollingsworth	Margolis	Thurman
Crenshaw	Jenne	McPherson	Weinstein
Deratany	Johnson	Meek	Weinstock
Dudley	Kirkpatrick	Myers	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Frank, Grant, Jennings, Stuart

On motions by Senator Kiser, by two-thirds vote HB 533 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Kiser—

HB 533—A bill to be entitled An act relating to state employment; amending s. 110.131, F.S., relating to other-personal-services temporary employment; modifying provisions relating to extended employment; providing exemptions; modifying requirements for an annual report of the Department of Administration; authorizing the Department of Health and Rehabilitative Services to extend the employment of designated licensed health care practitioners; providing an effective date.

—a companion measure, was substituted for SB 861 and read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 533 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Frank	Jenne	Margolis
Beard	Girardeau	Jennings	Meek
Brown	Gordon	Johnson	Myers
Childers, D.	Grant	Kirkpatrick	Plummer
Childers, W. D.	Grizzle	Kiser	Ros-Lehtinen
Crenshaw	Hair	Langley	Thomas
Deratany	Hill	Lehtinen	Thurman
Dudley	Hollingsworth	Malchon	Weinstein

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

CS for SB 581—A bill to be entitled An act relating to probate and administration of estates; amending s. 731.201, F.S.; redefining the term “beneficiary”; providing that the term does not include an owner of a beneficial interest in a trust; amending s. 732.513, F.S.; providing for the validation of a devise to an unfunded trust created during the lifetime of the testator; amending s. 733.212, F.S.; providing for service of notice of administration; specifying times within which claims and objections must be filed; amending s. 733.617, F.S.; providing that compensation for personal representatives and professionals may include compensation for the services of agents or employees of the person seeking compensation or expenses and setting forth additional criteria to be considered in arriving at the amount of compensation; amending s. 733.702, F.S.; providing that an untimely claim is barred and may not be sued upon unless the court in the estate administration proceeding extends the time on ground of fraud or estoppel; amending s. 733.705, F.S.; providing that an objection to a personal representative’s proof of claim must specify the objectionable item and be served on the claimant or claimant’s attorney; deleting the requirement for a claimant to file notice of an independent or declaratory action in the estate proceeding; providing that extensions of time under this section may only be entered in the estate administration proceeding; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 581 to conform the bill to HB 645.

Pending further consideration of CS for SB 581 as amended, on motion by Senator Dudley, by two-thirds vote HB 645 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Dudley—

HB 645—A bill to be entitled An act relating to probate and administration of estates; amending s. 731.201, F.S.; redefining the term “beneficiary”; amending s. 732.513, F.S.; providing for the validation of a devise to an unfunded trust created during the lifetime of the testator; amending s. 733.212, F.S.; providing for prompt service of notice of administration; revising time frames for filing objections and claims by interested persons; amending s. 733.615, Florida Statutes; clarifying circumstances under which the powers and duties of joint personal representatives may be exercised by a majority; amending s. 733.617, F.S.; providing that compensation for personal representatives and professionals may include out-of-pocket expenses and compensation for the services of agents or employees of the person seeking compensation; setting forth additional criteria to be considered in arriving at the amount of compensation; amending s. 733.702, F.S.; providing that an untimely claim is barred and may not be sued upon unless the court in the estate administration proceeding extends the time on grounds of fraud or estoppel; amending s. 733.705, F.S.; providing that an objection to a personal representative’s proof of claim shall specify the objectionable item and may be served on the claimant’s attorney; deleting the requirement for a claimant to file notice of an independent or declaratory action in the estate proceeding; providing that extensions of time for filing or serving objections to claims may only be entered in the estate administration proceeding; providing an effective date.

—a companion measure, was substituted for CS for SB 581 and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 645 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Girardeau	Kirkpatrick	Plummer
Brown	Gordon	Langley	Ros-Lehtinen
Childers, D.	Grant	Lehtinen	Scott
Childers, W. D.	Grizzle	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Stuart

Reconsideration

On motion by Senator Hollingsworth the Senate reconsidered the vote by which—

HB 1508—A bill to be entitled An act relating to investment of state funds; repealing s. 215.46, F.S., relating to duties of the Attorney General with respect to collection of defaulted investments; amending s. 215.47, F.S.; providing revised rating criteria for certain government and corporate interest-bearing obligations; providing an effective date.

—passed this day.

On motion by Senator Hollingsworth the Senate reconsidered the vote by which HB 1508 was read the third time.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 15 and 16, insert:

Section 1. Section 215.45, Florida Statutes, is hereby repealed.

Section 2. Section 215.455, Florida Statutes, is hereby repealed.

Section 3. Subsection (12) is added to section 215.47, Florida Statutes, to read:

215.47 Investments; authorized securities.

(12) *Moneys of the System Trust Fund, as defined in s. 121.021(36), available for investment under ss. 215.44-215.53, may be expended by the board to acquire, invest, reinvest, exchange, retain, manage, contract, or sell every kind of property, real, personal or mixed, and every kind of investment, domestic or foreign, specifically including, but not by way of limitation, bonds, debentures and other corporate obligations, and stocks, preferred or common. The board in performing the above investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A) through (C), to wit: A fiduciary shall discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries and*

(a) *For the exclusive purpose of:*1. *providing benefits to participants and their beneficiaries; and*2. *defraying reasonable expenses of administering the plan;*

(b) *with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;*

(c) *by diversifying the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.*

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: repealing s. 215.45, F.S.; relating to the sale and exchange of securities; repealing s. 215.455, F.S.; relating to the loan of securities; revising the standards for the investment of securities; establishing a clearly prudent expert standard;

On motion by Senator Hollingsworth, by two-thirds vote HB 1508 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Lehtinen	Thomas
Crenshaw	Hill	Malchon	Thurman
Deratany	Hollingsworth	Margolis	Weinstein
Dudley	Jenne	McPherson	Weinstock
Frank	Jennings	Meek	Woodson
Girardeau	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

CS for CS for SB 295—A bill to be entitled An act relating to transportation; amending s. 339.175, F.S.; providing for two additional voting members, appointed by the Governor, to an M.P.O. which is contained within any constitutional charter county as defined in s. 125.011, F.S.; providing for the termination of public official members of an M.P.O. under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Lehtinen moved the following amendments which were adopted:

Amendment 1—On page 2, lines 25 and 26, insert:

Section 2. Section 125.01(1)(n) is amended as follows:

(n) License and regulate taxis, jitneys, limousines for hire, rental cars and other passenger vehicles for hire that operate in the unincorporated areas of the county; *except what any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988 shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.*

Amendment 2—In title, on page 1, insert: amending 125.01(1)(n); restricting regulation of taxis in certain constitutional charter counties

Further consideration of **CS for CS for SB 295** as amended was deferred.

Motions

On motion by Senator Barron, time of adjournment was extended until completion of the consent and local bill calendars.

On motion by Senator Barron, by two-thirds vote the special order calendar for Friday, June 3, was set to include all bills remaining on today's special order and the following additional bills: CS for SB 522, CS for SB 600, SB 675, CS for CS for CS for SB 954, SB 975, CS for SB 983, SB 1018, CS for SB 1038, CS for SB 1068, CS for SB 1100, CS for SB 1308, SB 1313, CS for SB 1326, SB 1429, HB 173, HB 1445, CS for HB 1574, HB 1711 and HB 1504.

CS for SB 1076—A bill to be entitled An act relating to patient records; amending ss. 395.017, 455.241, F.S.; providing a limitation on copying fees charged by health care facilities and health care practitioners for providing copies of patient records; providing for confidentiality; providing an exception; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 1, strike line 27 and insert: to pay a charge. *The charge, except for X-rays, may not exceed the fee charged*

Amendment 2—On page 3, strike all of lines 17-31 and insert: seeking such records. *Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. The Department of Professional Regulation may*

On motion by Senator Malchon, by two-thirds vote CS for SB 1076 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Barron	Frank	Kirkpatrick	Ros-Lehtinen
Beard	Girardeau	Kiser	Scott
Brown	Gordon	Langley	Thomas
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Margolis	Weinstein
Crawford	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Margolis, by two-thirds vote HB 409 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Margolis, by two-thirds vote—

HB 409—A bill to be entitled An act relating to the statewide criminal analysis laboratory system; amending s. 943.31, F.S., modifying legislative intent; amending s. 943.32, F.S., including certain facilities in Ft. Myers within the system; amending s. 943.35, F.S., specifying level of state funding of local laboratory operating costs; deleting matching fund requirement; providing that crime scene technicians are no longer excluded from state funding; creating ss. 943.355 and 943.356, F.S., creating the Florida Crime Laboratory Council; providing duties thereof; amending s. 943.36, F.S., revising the fiscal and budgetary process for state funding; providing authority and responsibilities of the Department of Law Enforcement; providing for review and repeal; amending s. 316.193, F.S.; increasing the amount of surcharges on fines imposed for driving under the influence and providing for such increase to be deposited into the Administrative Trust Fund of the Department of Law Enforcement for funding of the statewide criminal analysis laboratory system; creating s. 943.361, F.S.; providing for disbursement and appropriation of funds assessed in conjunction with driving under the influence fines for purposes of the statewide criminal analysis laboratory system; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 382 and by two-thirds vote read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 7, lines 21-25, strike all of new subsection (5) and insert:

(5) Laboratories which are partially funded by the state shall continue to be locally operated but shall provide services when possible to any law enforcement official, upon request.

On motion by Senator Margolis, by two-thirds vote HB 409 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Grant	Malchon	Stuart
Brown	Grizzle	Margolis	Thomas
Childers, D.	Hill	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crenshaw	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kirkpatrick	Plummer	
Girardeau	Kiser	Ros-Lehtinen	
Gordon	Lehtinen	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany

On motion by Senator Lehtinen, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for HB 1574, SB 441, CS for SB 1255, CS for SB 1355, SB 1160, CS for SB 462, HB 1504 and CS for SB 199 were withdrawn from the Committee on Appropriations.

On motion by Senator Lehtinen, by two-thirds vote CS for SB 199 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Deratany, by two-thirds vote SB 1207 was withdrawn from the Committee on Finance, Taxation and Claims.

CONSENT CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 295—A bill to be entitled An act relating to transportation; amending s. 339.175, F.S.; providing for two additional voting members, appointed by the Governor, to an M.P.O. which is contained within any constitutional charter county as defined in s. 125.011, F.S.; providing for the termination of public official members of an M.P.O. under certain circumstances; providing an effective date.

—as amended.

Senator Lehtinen moved the following amendment which was adopted:

Amendment 3—On page 1, line 13, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (3) and subsection (20) of section 339.175, Florida Statutes, are amended to read:

339.175 Transportation planning organization.—

(3)

(b) The members of an M.P.O. shall serve 4-year terms. The membership of a member *who is a public official* will terminate upon his leaving his elective or appointive office for any reason, or by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(20)(a) Any other provisions of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its duly elected officials serve as the M.P.O. if the area represented is wholly contained within such chartered county. Any chartered county which elects to exercise the provisions of this section shall so notify the Governor in writing. Upon receipt of such notification, the Governor shall forthwith designate the elected officials of such chartered county as the M.P.O. and shall appoint the nonvoting representatives of the department in accordance with existing agreements between the M.P.O. and the department or as deemed necessary in the absence of such an agreement. This subsection shall supersede the provisions of subsections (2) and (3) which, in whole or in part, are in conflict herewith.

(b) *An M.P.O. contained within or conterminous with any constitutional charter county, as defined in s. 125.011, shall have two additional voting members who are appointed by the Governor. One of the additional members must be an elected official from a municipality within the county and one of the additional members must be a person who does not hold an elected public office and resides in the unincorporated portion of the county.*

Section 2. This act shall take effect October 1, 1988.

Further consideration of **CS for CS for SB 295** as amended was deferred.

On motions by Senator Meek, by two-thirds vote CS for HB 986 was withdrawn from the Committees on Transportation; and Economic, Community and Consumer Affairs.

On motion by Senator Meek—

CS for HB 986—A bill to be entitled An act relating to public rail systems; creating s. 341.3025, F.S.; providing authority of entities operating multicounty public rail systems to adopt rules and regulations relating to operation thereof and to fares, fees, and charges for use thereof; providing that it is unlawful to use the system without paying the proper

fee; providing for enforcement through citations and fines; providing that a person cited may pay a fine or appear in court; providing duties of the court; providing for penalties; providing for enforcement officers; providing for disposition of fines; specifying venue; providing an effective date.

—a companion measure, was substituted for CS for SB 837 and read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 986 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Grant	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Scott
Childers, D.	Hill	Malchon	Stuart
Childers, W. D.	Hollingsworth	McPherson	Thomas
Crenshaw	Jenne	Meek	Thurman
Dudley	Johnson	Myers	Weinstein
Frank	Kirkpatrick	Peterson	Weinstock
Girardeau	Kiser	Plummer	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Jennings

CS for SB's 174 and 51—A bill to be entitled An act relating to criminal history records; amending s. 943.058, F.S.; providing that a court may deny a request for sealing or expunging certain criminal history records; authorizing the expunction of certain criminal history records without requiring a prior sealing; authorizing access to certain sealed records by specified persons; providing penalties for disclosure of the existence of or information in sealed or expunged records under certain circumstances; requiring certain notification of petitions for the expunction or sealing of such records; adding a circumstance under which a person whose records have been sealed or expunged may not lawfully deny the events in the record; expanding the statement which the petitioner for a record sealing or expunction must complete; providing penalties for furnishing false information on such sworn statement; prohibiting the expunction of certain records under certain circumstances; creating s. 943.0535, F.S.; requiring clerks of courts to furnish to appropriate federal immigration officers upon official request, without charge, certified copies of court records of aliens convicted of felonies; providing effective dates.

—was read the second time by title.

Two amendments were adopted to CS for SB's 174 and 51 to conform the bill to CS for HB 7.

Pending further consideration of CS for SB's 174 and 51 as amended, on motion by Senator Myers—

CS for HB 7—A bill to be entitled An act relating to criminal history records; amending s. 943.058, F.S.; providing that a court may deny a request for sealing or expunging certain criminal history records; authorizing the expunction of certain criminal history records without requiring a prior sealing; authorizing access to certain sealed records by specified persons; providing penalties for disclosure of the existence of or information in sealed or expunged records under certain circumstances; requiring certain notification of petitions for the expunction or sealing of such records; adding a circumstance under which a person whose records have been sealed or expunged may not lawfully deny the events in the record; expanding the statement which the petitioner for a record sealing or expunction must complete; providing penalties for furnishing false information on such sworn statement; prohibiting the expunction of certain records under certain circumstances; creating s. 943.0535, F.S.; requiring clerks of courts to furnish to appropriate federal immigration officers upon official request, without charge, certified copies of court records of aliens convicted of felonies; providing effective dates.

—a companion measure, was substituted for CS for SB's 174 and 51 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for HB 7 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hair	Malchon	Thurman
Crawford	Hill	Margolis	Weinstein
Crenshaw	Hollingsworth	McPherson	Weinstock
Deratany	Jenne	Meek	Woodson
Dudley	Jennings	Myers	
Frank	Johnson	Peterson	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

SB 919—A bill to be entitled An act relating to information management; requiring the Department of Education to develop and maintain the Florida Education and Training Placement Information Program; amending s. 229.557, F.S.; providing additional requirements for data to be included in the vocational education management information system; revising requirements for the dissemination of such data; amending s. 443.171, F.S.; authorizing the Division of Unemployment Insurance of the Department of Labor and Employment Security to provide certain information to the Department of Education; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator D. Childers and adopted:

Amendment 1—On page 3, line 2, strike “information” and insert: *insurance*

Amendment 2—On page 3, line 31, after “term” insert: *and enrollment status data shall be aggregated at the vocational program level, institutional level, planning region level, and state level*

On motion by Senator D. Childers, by two-thirds vote SB 919 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Beard	Girardeau	Johnson	Myers
Brown	Gordon	Kirkpatrick	Ros-Lehtinen
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Lehtinen	Thomas
Crenshaw	Hair	Malchon	Thurman
Deratany	Hill	Margolis	Weinstein
Dudley	Hollingsworth	McPherson	Weinstock
Frank	Jenne	Meek	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Kiser, Stuart

On motion by Senator Plummer, by two-thirds vote HB 1201 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Plummer, by two-thirds vote—

HB 1201—A bill to be entitled An act relating to crawfish regulation; amending s. 370.14, F.S.; providing a moratorium on the issuance of new crawfish trap numbers for a certain time period; providing an effective date.

—a companion measure, was substituted for SB 1042 and by two-thirds vote read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 1201 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Beard	Crawford	Frank	Grizzle
Brown	Crenshaw	Girardeau	Hair
Childers, D.	Deratany	Gordon	Hill
Childers, W. D.	Dudley	Grant	Hollingsworth

Jenne	Malchon	Plummer	Weinstein
Johnson	Margolis	Ros-Lehtinen	Weinstock
Kirkpatrick	McPherson	Scott	Woodson
Kiser	Meek	Stuart	
Langley	Myers	Thomas	
Lehtinen	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Jennings

Reconsideration

On motion by Senator Malchon, the Senate reconsidered the vote by which—

CS for SB 1076—A bill to be entitled An act relating to patient records; amending ss. 395.017, 455.241, F.S.; providing a limitation on copying fees charged by health care facilities and health care practitioners for providing copies of patient records; providing for confidentiality; providing an exception; providing an effective date.

—as amended passed this day.

On motion by Senator Malchon the Senate reconsidered the vote by which CS for SB 1076 was read the third time.

Senator Malchon moved the following amendment which was adopted:

Amendment 3—On page 2, strike line 27, after “fee” insert: Except for X-rays

On motion by Senator Malchon, by two-thirds vote CS for SB 1076 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	Meek	Weinstein
Deratany	Jenne	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kirkpatrick	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

SB 333—A bill to be entitled An act relating to delinquency prevention; creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 1—On page 6, strike lines 26-28, and insert: of implementing the provisions of section 1 of this act.

Section 3. Legislative intent.—The Legislature recognizes the need for a secure placement for certain youth alleged to have committed a delinquent act. The Legislature also recognizes that for detention to fulfill its intended role in the juvenile justice system, under the provisions of part I of chapter 39, Florida Statutes, it must operate at the highest standards of effectiveness and efficiency. These facts underscore the need to reduce the overcrowding in detention, the need to reduce inappropriate placements in detention, the need for appropriate preadjudication services, the need for qualified, well trained staff and a commitment to meet nationally recognized standards and practices. In achieving these

goals it is the intent of the Legislature that detention under the provisions of part I of chapter 39, Florida Statutes, be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. It is further the intent of the Legislature that decisions to detain be based in part on a prudent assessment of risk.

Section 4. Section 39.032, Florida Statutes, is amended to read:

39.032 Detention.—

(1) The intake officer shall receive custody of the child from the law enforcement agency and shall review the facts in the law enforcement report or complaint and make such further inquiry as may be necessary to determine whether detention care is required. During the period of time from the taking of the child into custody by the department to the date of the detention hearing, the initial decision as to the child's placement in secure detention or nonsecure detention or release from custody shall be made jointly by the intake officer and the law enforcement agency that took custody of the child. *The intake officers shall base their decision to detain on an assessment of risk in accordance with procedures developed by the department and the criteria in subsection (2).* If the intake officer and the law enforcement agency disagree as to whether the criteria for detention are met or as to whether secure detention or nonsecure detention should be required, the department shall contact the state attorney, who shall decide, on a case by case basis, whether the child shall be detained and whether the child shall be placed in secure detention or on nonsecure detention. If the intake officer or the law enforcement agency, or both, determine that a child who meets the criteria in subsection (2) should be released, the intake officer shall contact the state attorney, who may authorize release. If detention care is not authorized, the child may be released by the intake officer in accordance with s. 39.03(2). Under no circumstances shall the intake officer or the state attorney authorize the detention of any child in a jail or other facility intended or used for the detention of adults.

(2) Subject to the provisions of subsection (1), a child taken into custody *may* ~~shall~~ be placed on nonsecure detention or detained in secure detention care prior to a detention hearing ~~disposition~~ by the court if:

(a) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a felony;

(b) The child is alleged to be an escapee or absconder from detention care, probation, parole, furlough, a community control program, a delinquency commitment program, or the custody of a law enforcement agency in this or any other state;

(c) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony, or misdemeanor in such jurisdiction;

(d) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law and requests protection in circumstances that appear to present an immediate threat to his personal safety and there are no crisis or shelter homes available in which to place the child. Such a child shall be released upon the child's request;

(e) The child is alleged to have committed an offense which, if committed by an adult, would be a crime of violence; or

(f) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law, and any of the following applies:

1. The child is already detained or has been released and is awaiting a hearing on another case;
2. There are reasonable grounds to believe that the child will fail to appear at any hearing;
3. The child has previously been found to have committed a delinquent act involving a crime of violence;
4. The child has previously been found to have committed a delinquent act which is defined by state law as a felony;
5. The child has previously been found to have committed a delinquent act involving property;
6. The child is presently in a community control program or committed to the department; or

7. There are reasonable grounds to believe that the child may physically harm or has threatened to physically harm witnesses, victims, other persons, or property.

A child who is detained under this subsection ~~or subsection (3)~~ shall be given a detention hearing within 24 hours of his being taken into custody to determine the existence of probable cause to believe that the child has committed such delinquent act or violation of law and the need for continued detention. *The court shall consider the results of the intake officer's assessment of risk and the criteria in subsection (3) in determining the need for continued detention.* The circuit court, or the county court if previously designated by order of the chief judge of the circuit court, shall hold the detention hearing.

(3) ~~Notwithstanding the criteria in subsection (2),~~ A child ~~may be placed on nonsecure detention or detained in a secure or nonsecure detention subject to the provisions of subsection (2) may continue to be detained by the court if:~~ *facility if the child is alleged or found to be in contempt of court.*

(a) *The child is an escapee, from a commitment program or an absconder from a community control program, or furlough/aftercare supervision or the child is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law;*

(b) *The child requests protection, through appointed counsel, in circumstances that appear to present an immediate threat to his personal safety;*

(c) *The child is charged with a capital felony, life felony, or felony of the first degree; or a crime of violence, e.g., murder in the third degree, manslaughter, sexual battery, robbery, aggravated battery, or aggravated assault; or the child is charged with two or more serious property crimes arising out of separate transactions;*

(d) *The child is charged with a serious property crime as defined in s. 810.02(2) and (3); or with the possession, sale, or manufacture of or trafficking in a controlled substance, which if committed by an adult would be a felony, and:*

1. *He is already detained or has been released and is awaiting final disposition of his case;*

2. *He has a record of failure to appear at court hearings;*

3. *He has a record of law violations prior to court hearings;*

4. *He has a record of violent conduct resulting in physical injury to others; or*

5. *He has a record of adjudications for serious property offenses.*

(e) *Notwithstanding the provisions of subsection (3), the court may detain a child through a written order when the court considers the child a clear and present danger to himself or the community. The written order shall specify the need for detention and the benefits derived by the child or the community by placement in detention. Such placement in secure detention shall not be contrary to s. 39.0321.*

(4) Except in emergency situations, a child shall not be placed or transported in any police car or other similar vehicle which at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(5) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this chapter; or

(b) When a child taken into custody in this state is wanted by another jurisdiction as an adult; or

(c) When the court determines, upon a motion by ~~the recommendation of the superintendent of the detention home, and after affording the child a hearing within 24 hours of the superintendent's motion that the child is beyond the control of the detention home staff.~~ For juveniles transferred to county detention facilities pursuant to this subsection, the department shall reimburse the county detention facility the average cost per day for housing a person as established by the Department of Corrections. The county detention facility may treat such reimbursement as a current refund for operational costs if expended within the same fiscal year.

If the child is being held in detention by order of the court solely for an allegation of, or a finding of, contempt of court for a violation of a dependency or a child in need of services court order, the child shall not be delivered to a jail or other facility intended for the detention of adults. The receiving facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more children in the same cell. Under no circumstances shall a child be placed in the same cell as an adult.

(6)(a) No child shall be placed on nonsecure detention or held in secure detention care or shelter care longer than 24 hours unless the court orders nonsecure or secure detention care or shelter care in accordance with the provisions of subsection (2) or subsection (3). The decision as to the release of the child from nonsecure or secure detention care or from shelter care shall be made by the court. The order shall be a final order and shall be reviewable by appeal pursuant to s. 39.14 and the Florida Appellate Rules.

(b) No child shall be held in nonsecure or secure detention care or a crisis home under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) No child shall be held in nonsecure or secure detention care or a crisis home for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.11 has been entered by the court or unless a continuance, which shall not exceed 15 days, has been granted for good cause. The detention home superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for good cause shown on motion of the child or his counsel or of the state, or upon motion of the court.

(7) When any child is placed in nonsecure detention or in secure detention or shelter care or a crisis home pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the department or institution having custody of the child fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(8) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with Florida Rules of Juvenile Procedure within 48 hours of the filing of the petition for delinquency.

Section 5. Section 39.0321, Florida Statutes, is created to read:

39.0321 Prohibited use of secure detention.—A child alleged to have committed a delinquent act shall not be placed in secure detention for the following conditions:

- (1) To punish, treat, or rehabilitate the child.
- (2) To allow a parent to avoid the parent's legal responsibility.
- (3) To permit more convenient administrative access to the juvenile.
- (4) To facilitate further interrogation or investigation.
- (5) Due to a lack of more appropriate facilities.

Section 6. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later, except that sections 3, 4, and 5 of this act shall take effect October 1, 1988.

Amendment 2—In title, on page 1, strike lines 2-14, and insert: An act relating to juvenile delinquency; creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; providing legislative intent with respect to detention; amending s. 39.032, F.S.; changing detention proce-

dures to authorize nonsecure detention in certain situations; changing the provisions for detention at a detention hearing; providing arraignment requirements; creating s. 39.0321, F.S.; providing for the prohibited use of detention; providing effective dates.

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 333 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Plummer
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crenshaw	Hill	Margolis	Thomas
Deratany	Hollingsworth	McPherson	Thurman
Dudley	Jenne	Meek	Weinstein
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

On motion by Senator Weinstein, by two-thirds vote HB 449 was withdrawn from the Committee on Education.

On motions by Senator Weinstein, by two-thirds vote—

HB 449—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing for investment of school funds with minority institutions; amending s. 236.24, F.S.; revising provisions relating to the investment of district school funds; providing for the investment of surplus funds in specified investments by resolution of a school board; providing procedures; providing a definition; amending s. 236.24, F.S.; providing for the delivery and safekeeping of securities purchased by school boards; amending s. 236.49, F.S.; providing for the investment of local bond proceeds in certain securities for up to 3 years; amending 230.23, F.S.; providing guidelines for the school boards to invest a portion of investment funds with certain minority institutions; amending s. 159.416, F.S., relating to pool financing programs; providing for the investment of bond proceeds in school board investments; providing an effective date.

—a companion measure, was substituted for CS for SB 468 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 449 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

On motions by Senator Hollingsworth, by two-thirds vote HB 330 was withdrawn from the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Hollingsworth—

HB 330—A bill to be entitled An act relating to forestry; amending s. 589.011, F.S., authorizing the Division of Forestry to charge fees for the use of certain facilities; authorizing adoption and enforcement of certain rules; amending s. 589.11, F.S., authorizing the division to operate a seedling tree nursery; amending s. 590.02, F.S., authorizing the division to charge fees for providing forest protection services to the public; providing for disposition of moneys collected from fees and sales; repealing chapter 379, F.S., relating to creation and operation of the Everglades Fire Control District; providing an effective date.

—a companion measure, was substituted for SB 801 and read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 330 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

SB 537—A bill to be entitled An act relating to capital felonies; amending s. 775.082, F.S.; providing that persons convicted of specified capital felonies and sentenced to life imprisonment are ineligible for parole; amending s. 790.161, F.S.; prescribing penalties for persons convicted of a capital felony involving death as a result of making, possessing, throwing, placing, discharging, or attempting to discharge a destructive device; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 537 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

SB 322—A bill to be entitled An act relating to investments and transactions with Northern Ireland; creating s. 121.153, F.S.; providing restrictions with respect to investments of the Florida Retirement System Trust Fund; providing duties of the Board of Administration; creating s. 655.421, F.S.; requiring financial institutions to file an annual statement with the Department of Banking and Finance; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 322 to conform the bill to HB 446.

Pending further consideration of SB 322 as amended, on motion by Senator Weinstein, by two-thirds vote HB 446 was withdrawn from the Committee on Appropriations.

On motions by Senator Weinstein, by two-thirds vote—

HB 446—A bill to be entitled An act relating to investments and transactions with Northern Ireland; creating s. 121.153, F.S.; providing monitoring requirements with respect to investments of the Florida Retirement System Trust Fund; providing duties of the Board of Administration; creating s. 655.421, F.S.; requiring financial institutions to file an annual statement with the Department of Banking and Finance; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 322 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 446 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brown	Grizzle	Lehtinen	Ros-Lehtinen
Childers, W. D.	Hair	Malchon	Scott
Crenshaw	Hill	Margolis	Stuart
Deratany	Hollingsworth	McPherson	Thomas
Dudley	Jenne	Meek	Thurman
Frank	Johnson	Myers	Weinstein
Girardeau	Kirkpatrick	Peterson	Weinstock
Grant	Kiser	Plummer	Woodson

Nays—1

Beard

Vote after roll call:

Yea—Langley

Reconsideration

On motions by Senator Frank, by two-thirds vote the Senate reconsidered the vote by which CS for HB 1203 was read the second time and the vote by which CS for HB 1203 was substituted for—

CS for CS for SB 1359—A bill to be entitled An act relating to the Florida Real Estate Time-Sharing Act; amending s. 617.028, F.S.; including a time-share managing entity within a list of groups exempt from the definition of the term “director”; amending s. 721.13, F.S.; providing additional powers for the managing entity of a time-share plan; providing penalties; providing purchaser action to invalidate notice on any available grounds; amending s. 721.16, F.S.; providing a time frame with respect to liens for overdue assessments and mechanics’ liens; providing an effective date.

Three amendments were adopted to CS for CS for SB 1359 to conform the bill to CS for HB 1203.

Pending further consideration of CS for CS for SB 1359 as amended, on motions by Senator Frank, by two-thirds vote—

CS for HB 1203—A bill to be entitled An act relating to the Florida Real Estate Time-Sharing Act; amending s. 617.028, F.S.; including a time-share managing entity within a list of groups exempt from the definition of the term “director”; amending s. 721.13, F.S.; providing additional powers for the managing entity of a time-share plan; providing penalties; amending s. 721.15, F.S.; requiring notice to the managing entity of a time-share plan of a transfer of an interest in a time-share estate or time-share license; amending s. 721.16, F.S.; providing a time frame with respect to liens for overdue assessments and mechanics’ liens; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1359 and by two-thirds vote read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB 1203 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	McPherson	Thurman
Dudley	Hollingsworth	Meek	Weinstein
Frank	Jennings	Myers	Weinstock
Girardeau	Johnson	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Langley

SB 404—A bill to be entitled An act relating to involuntary treatment of alcohol abusers and drug abusers; amending ss. 396.102, 397.052, F.S.; authorizing the circuit courts to appoint special masters to preside over hearings for the commitment of such persons to treatment resources; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 404 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hollingsworth	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

SB 1274—A bill to be entitled An act relating to mental health; amending s. 394.459, F.S., relating to rights of patients; requiring certain notice of an admission to a mental health treatment facility involving involuntary placement; providing for notice of a voluntary admission in case of emergency only; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Woodson and adopted:

Amendment 1—On page 1, lines 19 and 20, strike "*pending hearing on or pursuant to an order on a petition for involuntary placement,*" and insert: *for involuntary examination or treatment,*

On motion by Senator Woodson, by two-thirds vote SB 1274 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	Meek	Weinstein
Dudley	Jennings	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

The Senate resumed consideration of—

CS for CS for SB 295—A bill to be entitled An act relating to transportation; amending s. 339.175, F.S.; providing for two additional voting members, appointed by the Governor, to an M.P.O. which is contained within any constitutional charter county as defined in s. 125.011, F.S.; providing for the termination of public official members of an M.P.O. under certain circumstances; providing an effective date.

—as amended.

On motion by Senator Lehtinen the Senate reconsidered the vote by which Amendment 3 was adopted.

Senator Lehtinen moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 2, between lines 16 and 17, insert:

Section 2. Paragraph (n) of subsection (1) of section 125.01, Florida Statutes, is amended as follows:

125.01 Powers and duties.—

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; *except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have issued a number of permits to operate taxis which is no less than the ratio of one permit for*

each 1,000 residents of said county, and any such new permits issued after June 4, 1988 shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(Renumber subsequent sections.)

Amendment 3 as amended was adopted.

Senator Lehtinen moved the following amendment:

Amendment 4—In title, on page 1, strike lines 2-10, and insert: An act relating to transportation; amending s. 339.179, F.S.; providing for the termination of public official members of an M.P.O. under certain circumstances; providing for two additional voting members, appointed by the Governor, to an M.P.O. which is contained within any constitutional charter county as defined in s. 125.011, F.S.; providing an effective date.

Senator Lehtinen moved the following amendment to Amendment 4 which was adopted:

Amendment 4A—In title, on page 1, line 19, after the semicolon (;) insert: amending s. 125.01, F.S.; restricting regulation of taxis in certain constitutional charter counties;

Amendment 4 as amended was adopted.

On motion by Senator Lehtinen, by two-thirds vote CS for CS for SB 295 as amended, was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Beard	Grant	Kiser	Plummer
Brown	Grizzle	Langley	Ros-Lehtinen
Childers, D.	Hair	Lehtinen	Scott
Childers, W. D.	Hill	Malchon	Stuart
Crenshaw	Hollingsworth	Margolis	Thomas
Dudley	Jenne	McPherson	Thurman
Frank	Jennings	Meek	Weinstein
Girardeau	Johnson	Myers	Weinstock
Gordon	Kirkpatrick	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany

LOCAL CALENDAR

HB 135—A bill to be entitled An act relating to Volusia County; authorizing the Daytona Beach Community College District Board of Trustees to enter into a lease-purchase agreement for an educational project; providing for compliance; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote HB 135 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 713—A bill to be entitled An act relating to Duval County; amending section 17.05 of chapter 67-1320, Laws of Florida, being the Charter of the City of Jacksonville; as amended by chapter 81-402, Laws of Florida; exempting Duval County School Board employees from the performance evaluation developed by the City of Jacksonville's Personnel Department; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 713 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 918—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; relating to the West Palm Beach Police Pension and Relief Fund; amending section 16, chapter 24981, Laws of Florida, 1947, as amended, amending subsections (1), (2), (3), (4), (5), (16), (17), and (20) regarding the name of the fund; amending subsection (1) regarding the creation of the pension fund; amending subsection (2) regarding definitions; amending subsection (3) relating to the board of trustees and the payment of expenses and per diem for trustees; amending subsection (4) relating to the deposit of moneys and securities; relating to disbursements; relating to professional and clerical services; amending subsection (5) regarding reports to the city and other experience tables; amending subsection (6) relating to membership in the fund; amending subsection (7) regarding service credit; amending subsection (8) regarding requirements for retirement; amending the vesting provisions for deferred retirement; providing for early retirement benefits; amending subsection (9) regarding limitations on maximum pension benefits; relating to the payment of benefits; relating to forms of benefits and optional benefits; providing for designation of the beneficiary or beneficiaries; providing for payment of benefits in the event no beneficiary is named; providing for share accounts; amending subsections (10), (11), and (12) regarding eligibility for disability benefits; regarding the final decision to award disability benefits; regarding minimum disability benefits; relating to the use of a medical committee; regarding the payment for medical examinations; regarding limitations on maximum disability benefits; providing for exclusions from disability pensions; providing for payment of disability benefits; providing the normal form of disability retirement income; relating to the examination of a disability retiree; revising provisions for return to work after disability ends; amending subsection (13) regarding death benefits to beneficiaries; amending subsection (14) regarding workers' compensation offset; amending subsection (15) regarding members' contributions and refund of members' contributions; amending subsection (16)(b) regarding sources of revenue; amending subsection (16)(d) regarding actuarial valuations; amending subsection (17) revising investment provisions; providing for the payment of administrative expenses; amending subsection (18) regarding existing benefits; amending subsection (19) regarding the nonassignability of benefits; amending subsection (20) regarding subrogation rights; adding subsection (21) regarding applicability of ordinances and approval of changes to the Special Act; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendment which was adopted:

Amendment 1—On page 43, lines 9 and 10, strike "are hereby exempted from any state, county, or municipal tax of the state and"

On motion by Senator Weinstock, by two-thirds vote HB 918 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 964—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 17 of chapter 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firemen's Relief and Pension Fund; amending provisions regarding the creation of pension funds; revising definitions and revising provisions relative to the Board of Trustees, membership in the Fund, and the payment of expenses and per diem for trustees; amending provisions regarding the name of the Fund; amending provisions regarding sources of revenue and refund of member contributions; amending provisions regarding the custodian of the Fund; amending provisions relating to the deposit of moneys and securities and to disbursements; revising investment provisions; providing for the payment of administrative expenses; amending provisions regarding limitations on maximum pension benefits; amending the vesting provisions for deferred retirement; providing for early retirement benefits; amending provisions relating to the payment of benefits and to forms of benefits and optional benefits; providing for designation of the beneficiary or beneficiaries; providing for payment of benefits in the event no beneficiary is named; providing for refund of contributions; providing for share accounts; amending provisions regarding eligibility for disability benefits, the final decision to award disability benefits, and minimum disability benefits; amending provisions relating to the use of a medical committee; providing for exclusions from disability pensions; providing for payment of disability pensions; amending provisions regarding limitations on maximum disability benefits; providing the normal form of disability retirement income; amending provisions relating to the examination of a disability retiree; revising provisions for return to work after disability ends; amending provisions regarding benefits to beneficiaries; amending provisions regarding the nonassignability of benefits; repealing provisions regarding judgments against the City; amending provisions regarding the transfer of funds; amending provisions regarding applicable City ordinances and approval of changes to the act; amending provisions regarding existing benefits; amending provisions regarding workers' compensation offset; amending provisions regarding actuarial valuations and reports to the City; declaring all laws in conflict repealed; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendment which was adopted:

Amendment 1—On page 36, lines 22 and 23, strike "are hereby exempted from any state, county, or municipal tax and"

On motion by Senator Weinstock, by two-thirds vote HB 964 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Brown	Frank	Hill	Kiser
Childers, D.	Girardeau	Hollingsworth	Lehtinen
Childers, W. D.	Gordon	Jenne	Malchon
Crenshaw	Grant	Jennings	Margolis

McPherson	Plummer	Thomas	Woodson
Meek	Ros-Lehtinen	Thurman	
Myers	Scott	Weinstein	
Peterson	Stuart	Weinstock	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1044—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending section 1 of chapter 30666, Laws of Florida, 1955, expanding the boundaries of the district; providing for a referendum.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 1044 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1046—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; providing designation of district as a water control district in accordance with s. 298.001, F.S.; providing that in addition to its powers under general law, said District shall have the power to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said District; and in furtherance of the purposes and intent of general law, to construct, improve, pave and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban and suburban, and other beneficial use and development as a result of the drainage, irrigation and reclamation operations of the District; authorizing powers of the District for water supply, sewer, and wastewater management, waste collection and disposal, and the supply and level of water; authorizing the Board of Supervisors of the District to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the District boundaries; providing for obligations of the District to pay interest at a rate not exceeding the maximum allowable by law; authorizing the issuance of revenue bonds and bond anticipation notes; authorizing the drainage, reclamation and irrigation of the lands in said District by units; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1046 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Dudley	Hill	Lehtinen
Beard	Frank	Hollingsworth	Malchon
Brown	Girardeau	Jenne	Margolis
Childers, D.	Gordon	Jennings	McPherson
Childers, W. D.	Grant	Johnson	Meek
Crenshaw	Grizzle	Kirkpatrick	Myers
Deratany	Hair	Kiser	Peterson

Plummer	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

HB 1169—A bill to be entitled An act relating to St. Lucie County; abolishing the Fort Pierce Port and Airport Authority in St. Lucie County, as created and amended; creating a new special taxing district to be known as the St. Lucie County Port and Airport Authority, the boundaries of said special taxing district being the same as the boundaries of the former Fort Pierce Port and Airport Authority; providing that the Board of County Commissioners of St. Lucie County shall be the Board of County Commissioners of the St. Lucie County Port and Airport Authority; providing for the government and administration of the St. Lucie County Port and Airport Authority; providing the St. Lucie County Port and Airport Authority shall succeed to the title and all ownership of all property, uncollected taxes, claims, and choses in action owned by the Fort Pierce Port and Airport Authority, and that all debts, contracts, bonds, or obligations of the Fort Pierce Port and Airport Authority shall be the obligations of the new district; providing for the levy and collection of taxes for the purpose of the St. Lucie County Port and Airport Authority; providing for the transfer and conveyance to the St. Lucie County Port and Airport Authority of the St. Lucie County International Airport; prescribing the powers and duties of the St. Lucie County Port and Airport Authority; providing for the issuance of bonds by the St. Lucie County Port and Airport Authority; prohibiting the bringing of any action for injury or damage against the St. Lucie County Port and Airport Authority unless brought within 12 months from the time of such injury or damage; prohibiting the maintaining of any tort action against said authority unless written notice is given within 30 days from the occurrence of the injury or damage; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 27-30 and insert: and shall give to the Board of County

Amendment 2—On page 9, lines 27 and 28, strike "7 percent per annum" and insert: the maximum bond interest rate provided by general law

Amendment 3—On page 9, strike all of lines 22-26 and insert: been approved at an election of the qualified electors who reside in such district, such election to be called, noticed, and conducted as provided by law. The bonds of each issue shall be dated, shall bear

Amendment 4—On page 12, strike all of lines 3-17 and insert: general terms for which such bonds are to be issued.

Amendment 5—On page 15, lines 4 and 5, strike "7 percent per annum" and insert: the maximum bond interest rate provided by general law

Amendment 6—On page 15, lines 19-31, and on page 16, lines 1-17, strike all of said lines and renumber subsequent sections.

Amendment 7—On page 10, line 27, through page 11, line 7, strike all of said lines and insert: to principal and interest. The board may sell such bonds either at public or private sale and for such price as it may determine to be for the best interests of the authority, but no such sale may be made at a price that requires the payment of interest in excess of the maximum bond interest rate provided by general law.

Amendment 8—On page 11, strike all of lines 22-27

Amendment 9—On page 16, strike all of lines 23 and 24 and insert:

Section 25. Chapter 61-2754, Laws of Florida, as amended by chapters 63-1868, 65-1550, 67-1994, 69-1551, and 70-206, Laws of Florida, is hereby repealed.

Amendment 10—On page 13, line 13, after "NW 1/4 of the SE 1/4" insert: of the SW 1/4

Amendment 11—In title, on page 2, strike all of lines 3-10 and insert: providing for severability; repealing ch. 61-2754, Laws of Florida,

as amended, relating to abolition of the Ft. Pierce Port and Airport Authority and creation of the St. Lucie County Port and Airport Authority; providing

On motion by Senator Myers, by two-thirds vote HB 1169 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1204—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the police department of said city; amending section 12 of chapter 22414, Laws of Florida, 1943, as amended, to provide an option for voluntary retirement after 20 years of active service regardless of age with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; adding a new section 24 to chapter 22414, Laws of Florida, 1943, as amended, to permit members who elected to remain in the pre-1975 pension plan to convert to the current pension plan by paying the appropriate sum of money plus interest at a rate to be determined by the Orlando Police Pension Board; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1204 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1205—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the fire department of said city; adding a new section 16 to chapter 23444, Laws of Florida, 1945, as amended, providing for a voluntary retraining or rehabilitation program for disability pensioners; amending section 12 of chapter 23444, Laws of Florida, 1945, as amended, to provide an option for voluntary retirement after 20 years of active service regardless of age with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; adding a new section 19 to chapter 23444, Laws of Florida, 1945, as amended, providing for a cost-of-living increase for members retiring prior to age 61 with 25 years of service with the additional actuarial cost thereof being borne by the members, subject to an election by the membership to accept or reject this additional benefit; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1205 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1214—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County, and the Golden Gate Fire Control and Rescue District, Collier County; amending section 1 of article III of chapter 84-416, Laws of Florida; amending section 1 of article III of chapter 87-498, Laws of Florida; excluding "Seagate" from the district; transferring sections 5 and 8 of Township 49 South, Range 26 East from the jurisdiction of the Golden Gate Fire and Rescue District to the jurisdiction of the North Naples Fire Control and Rescue District, subject to referendum; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 1214 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1244—A bill to be entitled An act relating to the City of Oakland Park, Broward County; extending and enlarging the corporate limits of the City of Oakland Park to include specified unincorporated lands within said corporate limits; providing for the assumption of duties, powers, and responsibilities over the annexed land; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1244 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1252—A bill to be entitled An act relating to the City of Parkland, Broward County; extending and enlarging the corporate limits of the City of Parkland to include specified unincorporated lands within said corporate limits upon certain contingencies; providing for the applicability of City ordinances upon said lands; providing that contracts in force prior to annexation shall not be affected; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1252 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1379—A bill to be entitled An act relating to the firemen's relief and pension fund of the City of Pensacola, Escambia County; amending Section 1 of Chapter 21483, Laws of Florida, 1941, relating to the Board of Trustees of the Firemen's Relief and Pension Fund, to provide for membership of said board; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1379 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Jenne, by two-thirds vote—

SB 1431—A bill to be entitled An act relating to Old Plantation Water Control District, Broward County; providing for a quorum at any annual or special landowners' meeting of Old Plantation Water Control District to be determined by the number of landowners present or represented by proxy in attendance at said meeting or meetings; providing that all actions taken at any such annual or special meeting of the landowners shall require the affirmative vote of the landowners of a majority of the acreage present or represented by proxy at said meeting; providing for compensation for the members of the board of supervisors; providing that this act take precedence over any conflicting law to the extent of the conflict; providing severability; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Jennings, by two-thirds vote—

HB 523—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending s. 3, chapter 57-1658, Laws of Florida, as amended; removing a limitation on number of years which may be served by elected members; providing for service of an appointed member until a successor takes office; reducing quorum requirements; amending s. 10, chapter 57-1658, Laws of Florida, as amended; deleting provision concerning conflicts with other laws; providing for form, interest rates, and other features of bonds; deleting minimum price requirements on sale of bonds; deleting certain provisions concerning sufficiency of bond proceeds; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Thurman, by two-thirds vote—

HB 647—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 17(j) of chapter 63-1222, Laws of Florida, as amended, by providing that either the county tax collector or water district board of commissioners may collect special assessment liens; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Dudley	Hill	Lehtinen
Beard	Frank	Hollingsworth	Malchon
Brown	Girardeau	Jenne	Margolis
Childers, D.	Gordon	Jennings	McPherson
Childers, W. D.	Grant	Johnson	Meek
Crenshaw	Grizzle	Kirkpatrick	Myers
Deratany	Hair	Kiser	Peterson

Plummer	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Crenshaw, by two-thirds vote—

HB 714—A bill to be entitled An act relating to tenure of employment of teachers in the public schools of Duval County; adding section 5.1 to chapter 21197, Laws of Florida, 1941, as amended; providing that teachers convicted of any felony, crime, or violation of ordinance involving moral turpitude shall immediately be suspended without pay pending resolution of discharge or demotion procedures; providing that a conviction is not stayed during an appeal; providing that upon reversal of a conviction the teacher shall be reinstated with back pay; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Dudley, by two-thirds vote—

HB 973—A bill to be entitled An act relating to the Golden Gate Fire Control and Rescue District, Collier County; amending subsection (2) of section 1 of Article V of chapter 87-498, Laws of Florida; to increase the millage cap for the levy of taxes by the district; providing for a referendum.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Jenne, by two-thirds vote—

HB 1239—A bill to be entitled An act relating to Broward County; authorizing the appointment of special officers by the Broward County School Board for the protection and safety of school personnel, property, and students within the school district; authorizing such officers to make arrests anywhere in the school district for violations of law occurring on the property of the school board; providing for powers, duties, qualifications, bonding, and compensation of such special officers; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Weinstock, by two-thirds vote—

HB 1450—A bill to be entitled An act relating to Palm Beach County; relating to the Palm Beach County Solid Waste Authority; amending section 3, chapter 75-473, Laws of Florida, as amended, providing for a change in name to "Solid Waste Authority of Palm Beach County"; amending section 6, chapter 75-473, Laws of Florida, as amended, amending the definition of "authority," "waste management," "disposal" and "transport" and providing for the definition of "act"; amending section 7 of chapter 75-473, Laws of Florida, as amended at subsection (2) to provide for the modification and updating of the resource recovery and waste management program or plan as necessary or as may be required by law, subsection (3) to provide that the authority may exercise the right of eminent domain in accordance with chapter 73, Florida Statutes, and chapter 74, Florida Statutes, and other applicable law, subsection (8) to provide that the authority acquire, construct, reconstruct, etc., such resource recovery and waste management facilities to meet the requirements of chapter 403, Florida Statutes, and other applicable law, subsection (9) to provide that the authority conduct studies and contract with governmental agencies, public or private corporations, municipalities or any other person in carrying out the purposes of the act and the requirements of chapter 403, Florida Statutes, and other applicable law, subsection (10) providing that the authority shall fix, alter, charge, and establish reasonable rates, fees, and other charges for collection, subsection (19) to provide that all collection fees pursuant to this paragraph for unincorporated Palm Beach County shall be set by the board of county commissioners; renumbering subsection (20) to subsection (24); adding new subsections (20), authorizing and empowering the authority to establish mandatory collection system for Palm Beach County and impose reasonable rates, fees, and charges to all users; providing that the authority may establish annual collection special assessments in like manner as the disposal assessments; (21) providing that the authority may grant franchises, contracts, issue permits or otherwise provide for the collection of solid waste and may receive the assignment of such franchises, contracts and permits and may establish reasonable rates, fees and charges therefore; (22) authorizing and empowering the authority to perform any and all governmental functions of the county or municipality therein related to solid waste; and (23) authorizing and empowering the authority to enter into inter-local agreements with Palm Beach County, municipalities, and other agencies, concerning the provision of solid waste services of any kind; amending section 10 created by chapter 86-433, Laws of Florida, providing limitations on franchises; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendment which was adopted:

Amendment 1—On page 6, line 10, strike "(19)" and insert: (20)

On motion by Senator Weinstock, by two-thirds vote HB 1450 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Dudley, by two-thirds vote—

HB 1464—A bill to be entitled An act relating to Lee County; repealing sections of specified Laws of Florida which limit the ability of a municipality, city, village, town, or fire control or rescue service district to annex portions of the Iona-McGregor, Estero, Fort Myers Shores, Tice, San Carlos, South Trail, Alva, or Bayshore Fire Control and Rescue Service Districts; deleting territories from the boundaries of the Iona-McGregor Fire Protection and Rescue District, South Trail Fire Protection and Rescue District, and Tice Fire Protection and Rescue District; authorizing the local governing authority to enter into an agreement to purchase, lease, or maintain real property and equipment; providing for the redistricting of the board of commissioners; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Woodson, by two-thirds vote—

HB 1595—A bill to be entitled An act relating to Manatee County; amending section 15 of chapter 84-481, Laws of Florida, as amended, relating to the Samoset Fire Control District; increasing the schedule of special assessments; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Deratany	Grizzle	Johnson
Beard	Dudley	Hair	Kirkpatrick
Brown	Frank	Hill	Kiser
Childers, D.	Girardeau	Hollingsworth	Lehtinen
Childers, W. D.	Gordon	Jenne	Malchon
Crenshaw	Grant	Jennings	Margolis

McPherson	Plummer	Thomas	Woodson
Meek	Ros-Lehtinen	Thurman	
Myers	Scott	Weinstein	
Peterson	Stuart	Weinstock	

Nays—None

Vote after roll call:

Yea—Crawford

On motions by Senator Thomas, by two-thirds vote—

HB 1621—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; amending section 129 of chapter 13105, Laws of Florida, 1927; amending an elections provision relating to the filing of nomination papers, to coordinate and make uniform the dates thereof with the qualifying period for county officers set forth in s. 99.061(2), F.S.; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Thomas, by two-thirds vote—

HB 1635—A bill to be entitled An act relating to Escambia County; amending section 4 of chapter 83-405, Laws of Florida; revising the manner in which the funding for the Civil Service Board is allocated and calculated; providing severability; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment to unengrossed House Amendment 1 which was adopted:

Amendment 1—On page 1, strike line 14 and insert:

SECTION 4. FUNDING OF THE CIVIL SERVICE SYSTEM.

On motion by Senator Thomas, by two-thirds vote HB 1635 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1594—A bill to be entitled An act relating to Alachua County; naming the county-owned park at Newnans Lake on Highway 20 in Alachua County the "Earl P. Powers Park"; authorizing the East Gaines-

ville Garden Club, in cooperation with the Alachua County Board of County Commissioners, to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 1594 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gordon	Kiser	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crenshaw	Hollingsworth	Meek	Weinstock
Deratany	Jenne	Myers	Woodson
Dudley	Jennings	Peterson	
Frank	Johnson	Plummer	
Girardeau	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 1 was corrected and approved.

CO-INTRODUCERS

Senator Hill—SB 276; Senators Deratany and Ros-Lehtinen—CS for CS for CS for SB 634; Senator Ros-Lehtinen—SJR 728; Senator Kirkpatrick—CS for SB 1093; Senator Crawford—CS for SB 1218

RECESS

On motion by Senator Barron, the Senate recessed at 5:42 p.m. to reconvene at 10:30 a.m., Friday, June 3.